



WENF Rec'd JUL 06 2010

DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

REPLY TO
ATTENTION OF:

June 30, 2010

Regulatory Branch
File Number 2009-774

Ms. Dianne Huffman
U.S. Environmental Protection Agency
Region VII EPA, WRPB
901 N. 5th Street
Kansas City, Kansas 66101

Dear Ms. Huffman:

Enclosed is the file material for referral of the enforcement case on Mr. Darriel Coleman (Rotary Drilling Supply, Inc.). In accordance with the Memorandum of Agreement concerning Federal Enforcement for the Section 404 program of the Clean Water Act, the Environmental Protection Agency has been determined to be the lead enforcement agency for this violation. The case was sent to the USEPA via email on March 11, 2010, and a USEPA representative (Raju Kakarlapudi) visited the site on April 15, 2010. The USEPA requested that the case be officially referred on June 11, 2010.

I have enclosed a copy of the file and an additional email sent to Mr. Kakarlapudi on April 23, 2010. Please review the enclosed material and complete the enforcement action, as you deem appropriate.

If you need further information on this case, you may call me at 314-331-8187. Please inform me on your decision in resolving this matter.

Sincerely,

Rob Gramke, Project Manager
Regulatory Branch

Enclosures

RCRA



517929

B31MIRSM St. Louis District: MVS - CEMVS
orm_regulator Role Preferences [ORM Reports] Logout

Home Search MVS-2009-00774 ORM2 Help

Folder Location Aquatic Resources Jurisdiction Impacts/Mitigation Map Indicators Letters Documents Contacts Regulators Comments Feedback

RHONDA S. MCGEE (B31MIRSM - MVS - ORM_REGULATOR)
does not have permissions to edit this folder or its contents
ROBERT S. GRAMKE (B3COFRSG - MVS - ORM_REGULATOR) is the owner

DA Number: MVS-2009-00774 (A/V Coleman Rotary Drilling Supply filling in flood plain)

Applicant: No Applicant Found

Regulatory Actions

F	A	S	Regulatory Action Type	Fed Cmpit	Start Date	End Date	Updated	Final
			Request for Action		04-NOV-09		04-NOV-09	

P.O. BOX 302
1150 S. Truman Blvd.
FESTUS, MO 63028
Night Phone: (573) 483-2408

DARRIEL F. COLEMAN
OFFICE (636) 937-4800 - 937-8616
RES. (573) 483-2408
FAX (636) 937-0310

- SINCE 1963 -

ROTARY DRILLING SUPPLY, INC.

- SCHRAMM -

ROTADRILLS, COMPRESSORS, PARTS

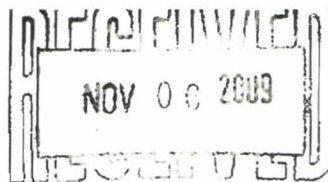
SALES, PARTS, SERVICE

Business Hours:

M - F 7 AM - 5 PM

(SEE REVERSE SIDE)

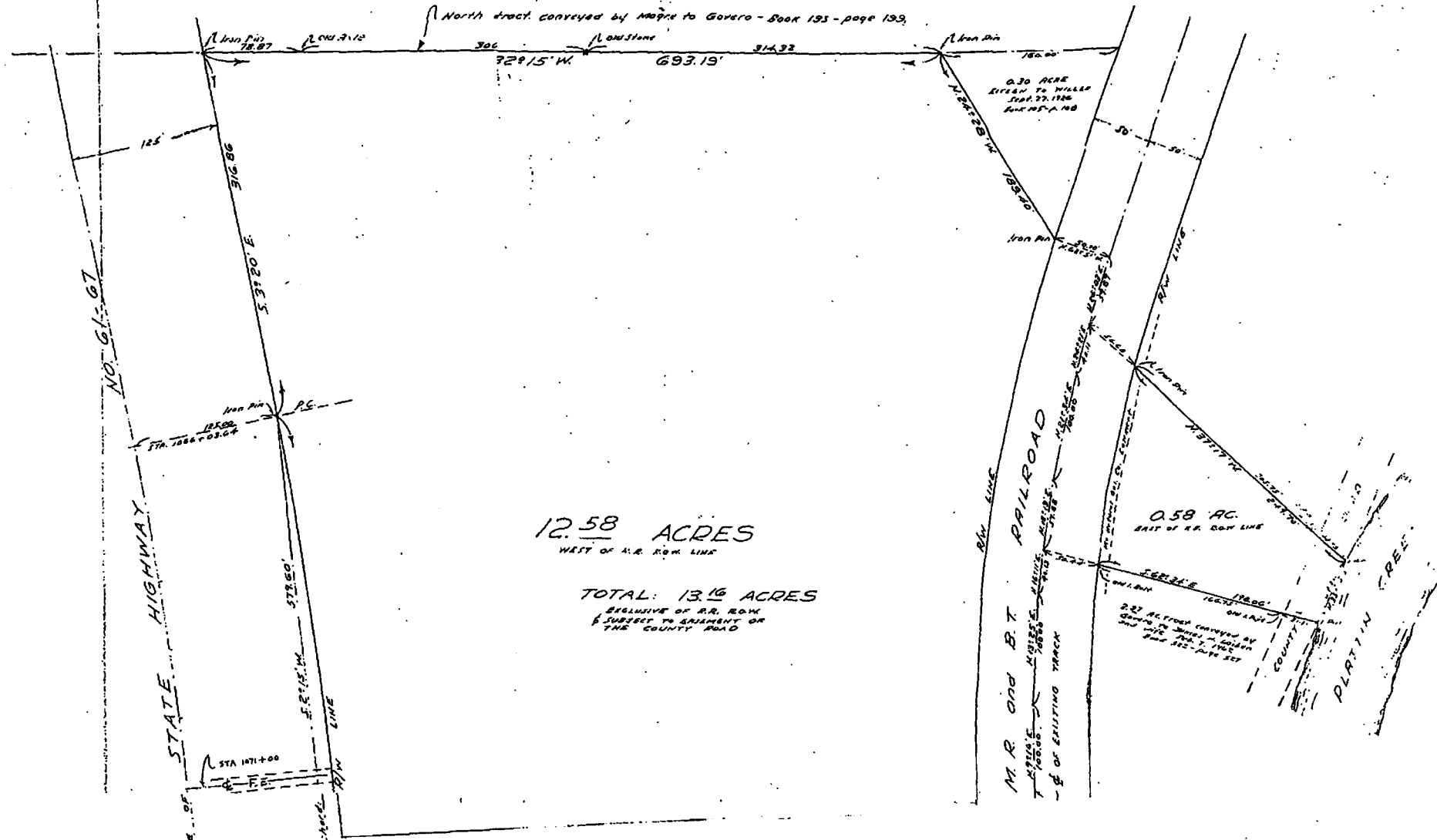




APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)		OMB APPROVAL NO. 0710-003	
<p>Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, Searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.</p>			
<p align="center">PRIVACY ACT STATEMENT</p> <p>Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States; the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.</p> <p>One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the proposed activity. An application that is not completed in full will be returned.</p>			
<p align="center">(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)</p>			
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
<p align="center">(ITEMS BELOW TO BE FILLED BY APPLICANT)</p>			
5. APPLICANT'S NAME Rotary Drilling Supply, Inc.		8. AUTHORIZED AGENT'S NAME & TITLE (an agent is not required) N/A	
6. APPLICANT'S ADDRESS Mailing: 1150 S. Truman Blvd. / P.O. Box 302 Crystal City, MO 63019 / Festus, MO 63028		9. AGENT'S ADDRESS	
7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business 636-937-4800(FX)636-937-0310		10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business	
<p align="center">11. STATEMENT OF AUTHORIZATION</p> <p>I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.</p> <p align="center">_____ APPLICANT'S SIGNATURE</p> <p align="center">_____ DATE</p>			
<p align="center">NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY</p>			
12. PROJECT NAME OR TITLE (see instructions) Rotary Drilling Supply, Inc.			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Plattin Creek watershed area		14. PROJECT STREET ADDRESS (if applicable) 1150 S. Truman Blvd.	
15. LOCATION OF PROJECT Jefferson COUNTY MO STATE			
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) 1/4 SE 1/4 Sec. 7 T 40N R 6E			
17. DIRECTIONS TO THE SITE At intersection of I-55 and US 61/67 cloverleaf, proceed north on 61/67 towards Crystal City, approx. 1/2 mile, site on right.			

N
 HISTORY DRILLING SUPPLY, INC.
 1150 HIGHWAY 61-57 SOUTH
 P.O. BOX 302 633-937-4678
 FESTUS, MO 63028 633-937-0918
 FAX: 633-937-0310
 MOBILE: 614 463-2493

PART U.S. SURVEY NO. 1906 - TWP 40 N - R 6 E.
 JEFFERSON COUNTY, MISSOURI
 Scale - one inch = 60 feet



18. NATURE OF ACTIVITY (Description of project, include all features)

Minor fill area and final grading materials, shot rock, clean dirt and crushed rock.

19. PROJECT PURPOSE (Describe the reason or purpose of the project, see instructions)

Fill and grade for future expansion or commercial development.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. REASON(S) FOR DISCHARGE

None

21. TYPE(S) OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS

None

22. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED (see instructions)

None

23. IS ANY PORTION OF THE WORK ALREADY COMPLETE? YES ☐ NO ☐ IF YES, DESCRIBE THE WORK

None

24. ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC. WHOSE PROPERTY ADJOINS THE WATERBODY (If more than can be entered here, please attach a supplemental list)

1160 S. Truman Blvd.
#12 Elks Drive
960 S. Truman Blvd.

25. LIST OF OTHER CERTIFICATIONS OR APPROVALS/DENIALS RECEIVED FROM OTHER FEDERAL, STATE, OR LOCAL AGENCIES FOR WORK DESCRIBED IN THIS APPLICATION

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
MDNR	Land Disturbance	10876	08-09	09-25-09	N/A

* Would include but is not restricted to zoning, building and flood plain permits.

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Rotary Drilling Supply Inc. 10-28-09
SIGNATURE OF APPLICANT DATE

By: *Daniel F. Coleman, Pres.* SIGNATURE OF AGENT DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

March 1, 2010

Construction-Operations
Readiness Division
Regulatory Office
File Number: MVS-2009-774

NOTICE OF VIOLATION

ISSUED TO: Mr. Darriel Coleman
Rotary Drilling Supply, Inc.
P.O. Box 302
1150 S. Truman Boulevard
Crystal City, Missouri 63028

LOCATION OF WORK: The work is located at the address listed above in the City of Crystal City, adjacent to Platin Creek, in Section 7, Township 40 North, Range 6 East, Jefferson County, Missouri. Platin Creek is a tributary to the Mississippi River.

CHARACTER OF WORK: Discharge of fill material into "waters of the United States," through filling and dumping activities associated with the development of a 13-Acre Commercial Lot. Although most of the site is filled, a review of the resource maps and aerial photography indicates that the area did contain a stream, forested wetland and lake/wetland habitat. All of these areas are waters of the United States. It appears that approximately 6 to 11 acres were filled as part of the ongoing dumping/filling activities.

APPARENT VIOLATION OF: Sections 301 [33 U.S.C. 1311] and 404 [33 U.S.C. 1344] of the Clean Water Act (CWA). Section 404 of the Clean Water Act assigns responsibility to the Secretary of the Army to administer a permit program to regulate the placement of fill material into "waters of the United States, including wetlands." The work you have performed, or have caused to be performed, is in "waters of the United States," and as such, is subject to Department of the Army authority. My Regulatory Branch received a complaint in regards to this violation on November 4, 2009 and a permit application from Mr. Darriel Coleman on November 6, 2009. Upon review of aerial photography, it appeared that most of the site was filled prior to November 1, 2009. We have no record of a Department of the Army permit being requested or issued for this activity prior to the November 2009 submittals. You are directed to do no further work at this site until the enforcement action is resolved. According to a site

Certified Mail - Return Receipt Requested

visit between you and Mr. Robert Gramke on January 12, 2010, you began filling the site following the "Flood of 1993". According to your verbal statement, the fill was composed of sandbags left over from the flood clean-up and that you had a permit for this fill. Since 1993, you periodically accepted local fill or purchased material to fill the site. According to your verbal statement, the most recent fill material placed on the site, which arrived in the past two years, came from Ameren UE via a local trucking company (Kline-Smith Trucking). Although not confirmed, it appears that the material delivered from Ameren was composed of Fly Ash and Calcium Sulfate. This notice is intended to clearly state that the fill activities that have occurred on your property did require a Section 404 Permit and that you are currently in violation of Section 404 of the Clean Water Act. If further work is performed after receipt of this notice, we may seek immediate legal action to halt such activity. You are advised that the unauthorized work, which you have performed, may subject you to civil and/or criminal prosecution, including restoration of the area.

In accordance with a Memorandum of Agreement between the Department of the Army, and the Environmental Protection Agency (EPA), concerning federal enforcement of Section 404 of the Clean Water Act, a copy of this notification is being sent to the EPA for review and coordination. Because of the nature of this activity, the EPA has been determined to be the lead enforcement agency at this time. You are to contact the EPA within 15 days of receipt of this letter to acknowledge receipt and to provide any additional information on this matter. Any defense or comments on your behalf to explain why you failed to obtain a Department of the Army permit clearance prior to conducting the work should be submitted to the attention of Mr. Raju Kakarlapudi, EPA, whose address is below and who can be reached at 913-551-7561. A copy of your correspondence to the EPA should be provided to the attention of Mr. Danny McClendon, Regulatory Branch Chief, U.S. Army Corps of Engineer, St. Louis District, 1222 Spruce Street, St. Louis, Missouri, 63103-2833.

Contractors and other parties who have assisted in this activity are co-liable under the law for any restoration or remediation at these sites. Therefore, you must supply the names of any contractors, subcontractors, or partners that assisted in this activity.

If you desire further assistance regarding this matter, please contact Rob Gramke, Project Manager in the Regulatory Branch, at (314) 331-8187.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

DANNY D. MCCLENDON

Danny D. McClendon
Regulatory Branch Chief
St. Louis District

Copy Furnished:

Mr. Raju Kakarlapudi
U.S. Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Ms. Carrie Schulte
Missouri Department of Natural Resources
Water Pollution Control Program
Post Office Box 176
Jefferson City, Missouri 65102-0176

Field Supervisor
U.S. Fish and Wildlife Service
Ecological Services
608 East Cherry St., Room 200
Columbia, Missouri 65201

Mr. Doyle Brown
Missouri Department of Conservation
Post Office Box 180
Jefferson City, Missouri 65102-0180



MVS-2009-744

COLEMAN PROPERTY 1996 AERIAL



MVS-2009-744

COLEMAN PROPERTY 2003 AERIAL



MVS-2009-744

COLEMAN PROPERTY 2008 AERIAL

Conversation Record

TIME: 1300

DATE: January 12, 2009

Type:

☒ Visit

☐ Conference

Telephone

Incoming
Outgoing

Name of Person Contacted:
Darriel Coleman

Organization:
Rotary Drilling Supply, Inc.

Telephone:
636-937-4800

Subject: Site Visit with Darriel Coleman
MVS-2009-774 Coleman Rotary Drilling Supply Filling in Floodplain

Summary: Attendees – Darriel Coleman, Rob Gramke, Jerry Berning

Mr. Coleman stated that he began filling the site (approximately 13-acres) after the 1993 flood with waste sandbags. Additional fill was brought into the site from local construction/demo projects or the material was purchased from the adjacent quarry. The most recent fill material (from the past two years) came from Ameren UE in the form of fly ash and Gypsum (calcium sulfate). With the exception of a small creek around the perimeter of the site, the entire wetland area has been filled. The site would have originally contained a mix of forested wetland, emergent wetland, and an unnamed tributary.

Mr. Coleman stated that he had a permit in 1993, but that he had no record of the permit or paperwork.

In conjunction with R.L. Jones Properties, TCL Construction (Jerry Capps), City of Crystal City, MODOT, and the Bank of Bloomsdale, the group intends to develop a large piece of commercial property in this area. However, it appears that Mr. Coleman and Kline-Smith Trucking have placed the fill on the property.

Mr. Coleman was adamant that he was not aware of any permit requirements from the Corps of Engineers and that he has always complied with requirements for the City of Crystal City and MDNR. His contact at Crystal City is currently Dave Kozal and his contact with MDNR is Stuart Bean.

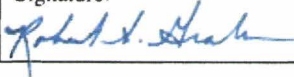
Mr. Coleman's door had a MDNR Permit posted on the door with Permit MO R109EN6 and phone number 1-800-361-4827.

Mr. Coleman also owns property in Ste. Genevieve County near the Holcim Property. He currently owns 700-acres between Highway 55 and 61. Some of the property is East of Highway 55. His home address is 3649 Highway 61, Ste. Genevieve, Missouri. Mr. Coleman stated that if mitigation is necessary, then this site may offer opportunities.

I informed Mr. Coleman that I will need to have contact name for Ameren and that I will be contacting Dave Kosall and try to contact Stuart Bean (MDNR). I also stated that it appears that 5 to 13 acres of wetland have been filled and that this is a violation of Section 404 of the Clean Water Act. A notice of violation letter will be going out soon. The site adjacent to this area was saturated, contained hydric soils, and is dominated by Pin Oak and Green Ash trees (Forested Wetland).

Name of Person Documenting Conversation:
Rob Gramke

Signature:



Date: 1/12/09

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

A. Report Completion Date for Preliminary Jurisdictional Determination (JD):

January 12, 2009

B. Name and Address of Person Requesting Preliminary JD:

Mr. Darriel Coleman
Rotary Drilling Supply, Inc.
P.O. Box 302
1150 S. Truman Boulevard
Crystal City, Missouri 63028

C. District Office, File Name, and Number:

St. Louis Dist., Coleman Rotary Drilling Supply Filling in Floodplain, MVS-2009-774

D. PROJECT LOCATION(S), BACKGROUND INFORMATION, AND WATERS:

State: Missouri
City: Crystal City
County: Jefferson
Name of nearest waterbody: Platin Creek

Identify amount of waters in the review area: Approximately 500 linear feet of intermittent tributary and approximately 8 Acres of wetland (This is approximate because the area is already filled. Additional measurements would be required for a final determination).

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

Table 1 - Waters of the U.S.

Site #	Latitude	Longitude	Stream Flow	Cowardin Class	Estimated amount of aquatic resources in review area	Estimated amount of aquatic resource impact	Class of aquatic resource
1	38.206700	-90.392328	Intermittent	Riverine	1200 linear feet	500 linear feet	Non-tidal
2	38.206700	-90.392328	Wetland	PEM/PFO	11 - Acres	8 to 11 - Acres	Non-tidal
3							
4							

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 1/12/09 (Visited the site on this same date, but nearly the entire area is already filled. The remaining portion of tributary and wetland is disturbed.

☐ Field Determination. Date(s):

F. SUPPORTING DATA:

Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Google Earth Pro (1996, 2003, 2008)

☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☐ U.S. Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite quad name: Festus.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: GIS.

☒ National wetlands inventory map(s). Cite name: Festus.

☐ State/Local wetland inventory map(s):

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

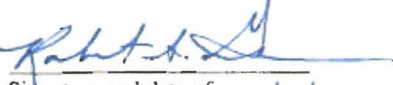
☒ Photographs: ☒ Aerial (Name & Date): Google Earth Pro - 1996, 2002, 2003, 2004, 2005, 2007, 2008.

or ☐ Other (Name & Date):

☐ Previous determination(s). File no. and date of response letter:

☐ Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.


Signature and date of
Regulatory Project Manager
(REQUIRED)

2/12/09

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining the
signature is impracticable)

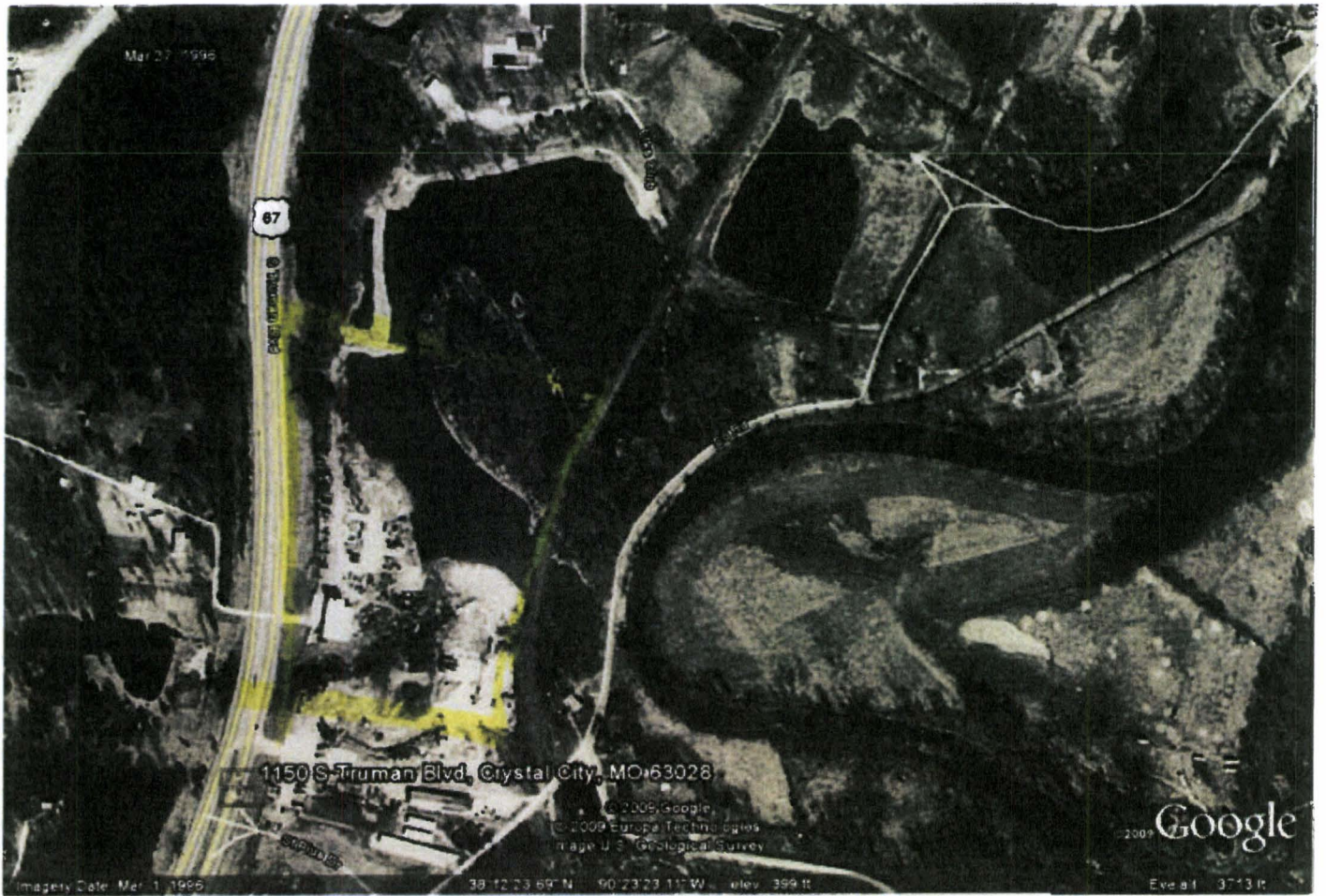
G. EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

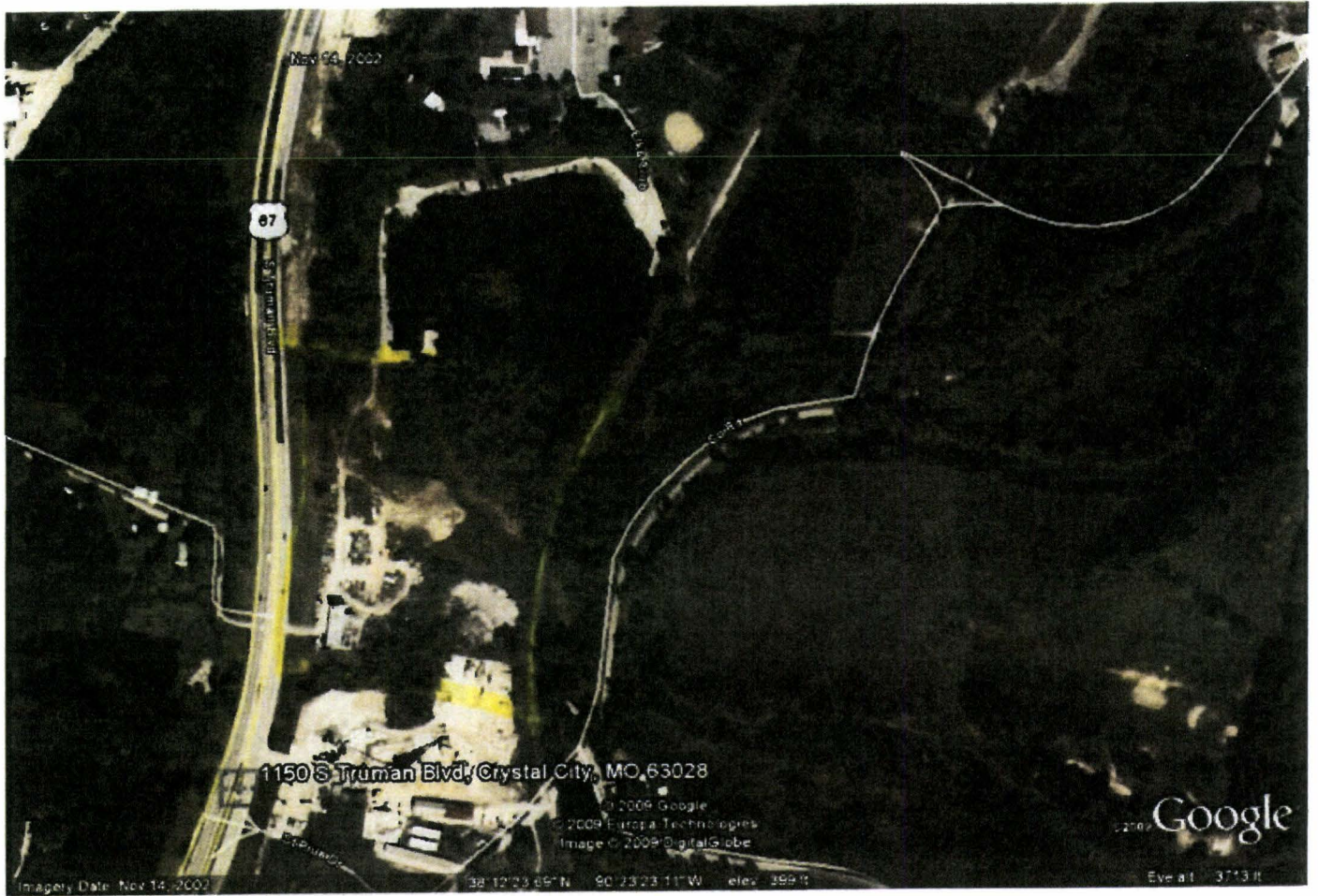
2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "*may be*" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the information listed above.

Formatted: Font: Not Bold



1996



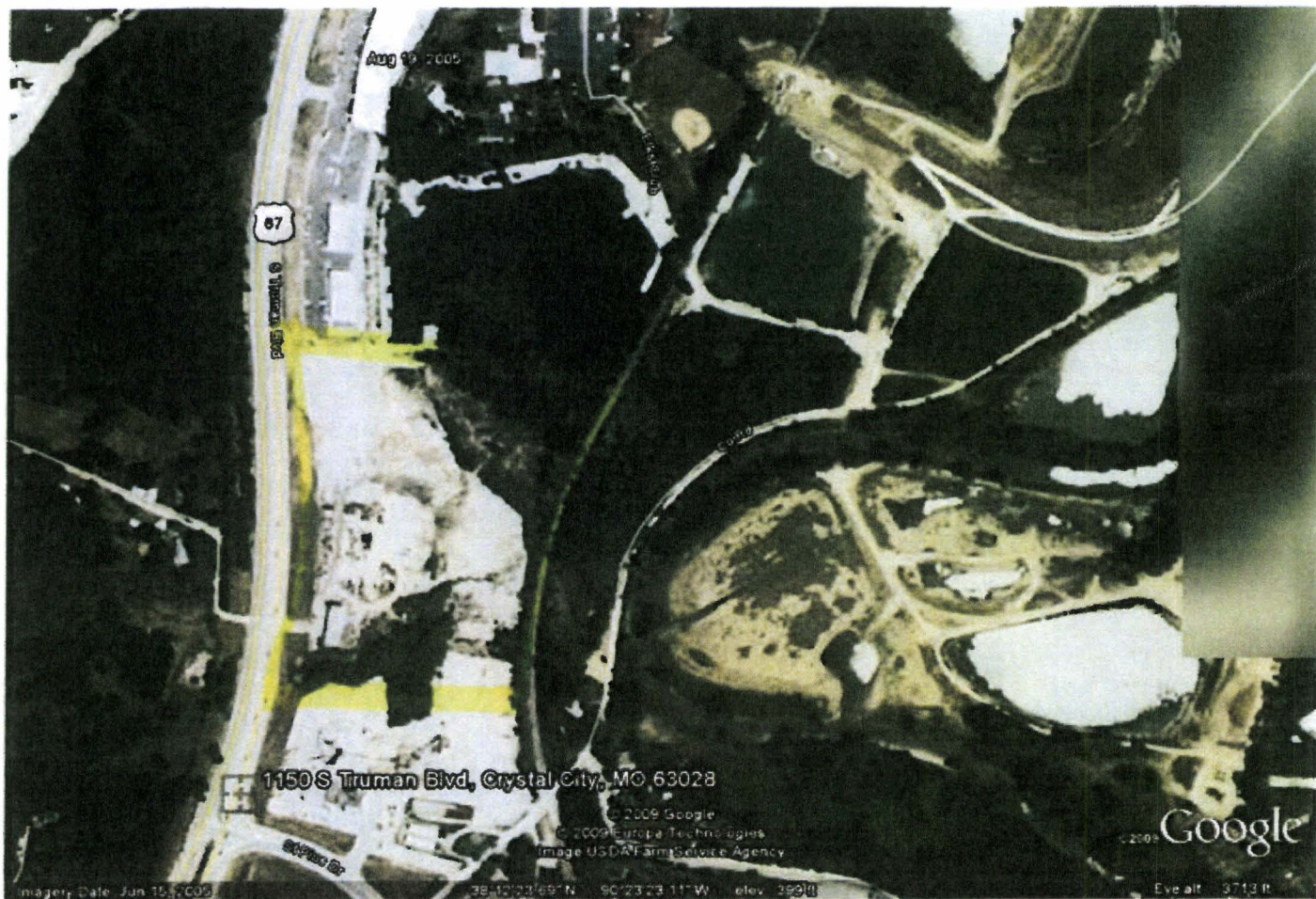
2002



2003



2004



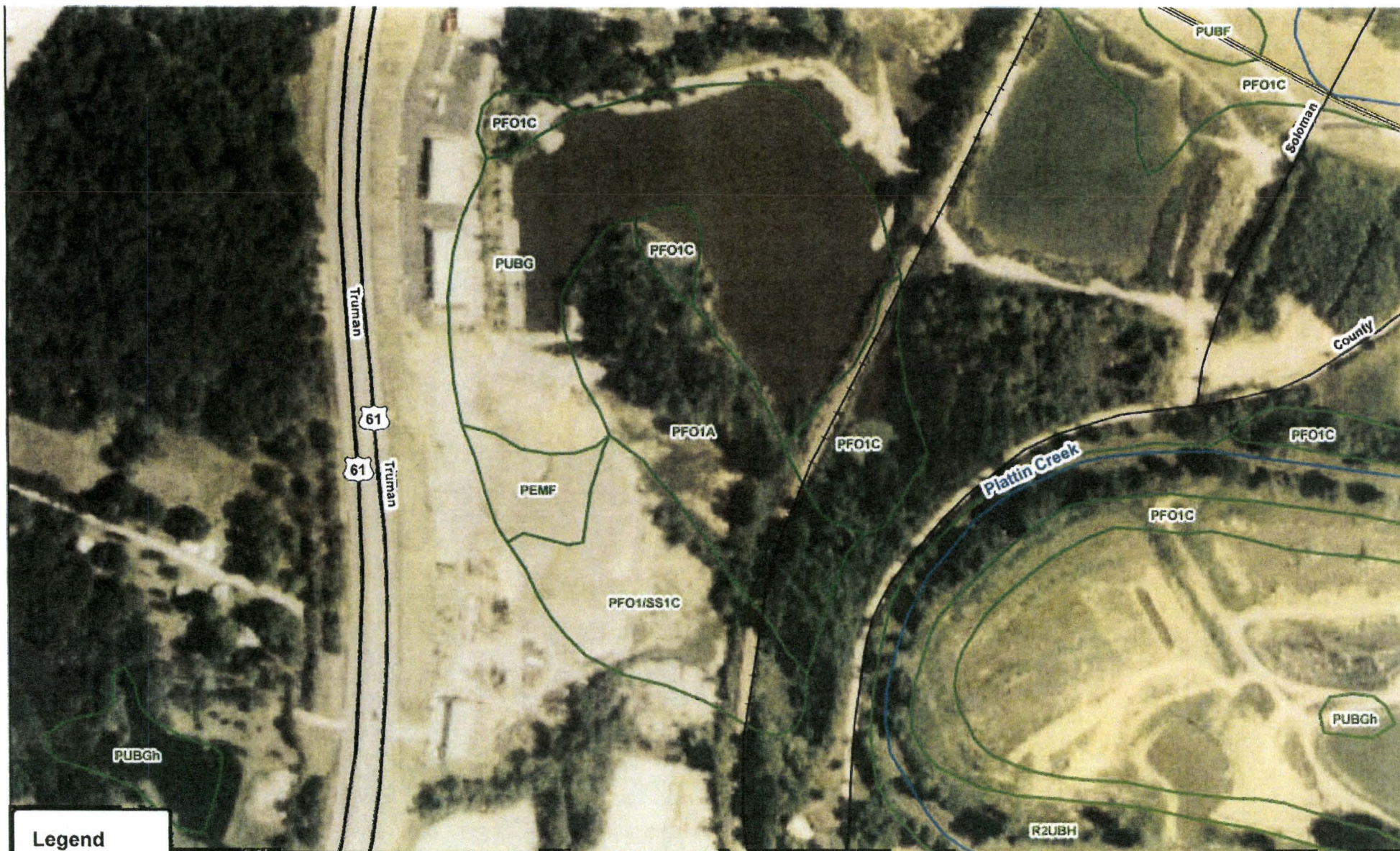
2005



2007



2008



Legend

- mvs_ramsloc
- Street
- State Hwy
- US Hwy
- Interstate
- Stream
- rams_poly

Darriel Coleman Rotary Drilling Supply A/V

Project Location Map - MVS-2009-744

Crystal City, Jefferson, Missouri

Attachment 2 of 2




0 187.5 375 750 Feet



US Army Corps
of Engineers®
St Louis District

Conversation Record

TIME: 1430

Type:		
<input type="checkbox"/> Visit	<input type="checkbox"/> Conference	<input checked="" type="checkbox"/> Telephone
		Incoming X Outgoing
Name of Person Contacted: Matt Brewer Andy Hickson	Organization: City of Crystal City	Telephone: 636-931-2905
Subject: I first spoke with Mr. Brewer who is temporarily filling in for Mr. Kozal, who no longer works for the City of Crystal City. Mr. Brewer stated that before Mr. Kozal he is not aware of anyone confronting Mr. Coleman about the fill in the 100-year floodplain or about the need for permits. Mr. Brewer stated that Mr. Coleman has been actively filling this area for four to five years. Currently, Mr. Coleman has not complied with the floodplain ordinance and has no permit. I do not think that FEMA is involved at this point. Mr. Brewer then forwarded me to the City Administrator, Mr. Andy Hixson. Mr. Hixson stated that before Dave's involvement in this case that there is no file or paperwork in regards to Mr. Coleman's site or the permit requirements. He thinks that Mr. Coleman has been aware of the needs for permits (404 and floodplain permits) for approximately 10 months. I told both of these gentleman that this appeared to be a violation of Section 404 and 401 and that the case will probably be referred to the USEPA. The USEPA will be the lead for the enforcement activity.		
Name of Person Documenting Conversation: Rob Gramke	Signature: 	Date: 2/12/10

STATE OF MISSOURI
County of Jefferson

609

On this 23rd day of July 1964 before me personally appeared

Gilbert C. Govero and Rose Mary Govero,

his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.



In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in Crystal City, Missouri the day and year first above written.

My term expires April 12, 1965

E. E. Blake
Notary Public

STATE OF MISSOURI
County of

On this day of 19 before me personally appeared

to me known to be the person described in and who executed the foregoing instrument and acknowledged that executed the same as free act and deed. And the said

further declare to be single and unmarried.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in the day and year first above written.

My term expires

Notary Public

INDEXED
General Warranty Deed

STANDARD FORM

FROM

GILBERT C. GOVERO AND

ROSE MARY GOVERO

TO

ROTARY DRILLING SUPPLY, INC.

Filed for record in the office of the Recorder of Deeds for the County of Jefferson, Missouri, on this day of

July 29, 1964

at the office of the Recorder of Deeds for the County of Jefferson, Missouri, on this day of

July 29, 1964

Richard King, Recorder

Under the Great Seal of the State of Missouri, I, the Recorder of Deeds for the County of Jefferson, Missouri, do hereby certify that the within instrument of writing was, at o'clock and minutes P.M., on the day of A. D. 1964, duly filed for record in my office and is recorded in the records of this office, to book at page

Under the Great Seal of the State of Missouri, I, the Recorder of Deeds for the County of Jefferson, Missouri, do hereby certify that the within instrument of writing was, at o'clock and minutes P.M., on the day of A. D. 1964, duly filed for record in my office and is recorded in the records of this office, to book at page

RECORDED'S FEE

STATE OF MISSOURI
County of

In the Recorder's Office

I, Recorder of said County, do hereby certify that the within instrument of writing was, at o'clock and minutes P.M., on the day of A. D. 1964, duly filed for record in my office and is recorded in the records of this office, to book at page

In Witness Whereof, I have hereunto set my hand and affixed my official seal at day of A. D. 1964

Recorder

Deputy

ROTARY DRILLING SUPPLY, INC.
150 HIGHWAY 51-67 SOUTH
P.O. BOX 302 - 635-4374 (M)
PESTUS, MO 63075 636-937-0111
FAX: 636-937-0010
TELE: 636-483-2911

607

GENERAL WARRANTY DEED

This instrument, made on the 23rd day of July 1964 A. D. One Thousand Nine Hundred and Sixty-four by and between

GILBERT C. GOVERO and ROSEMARY GOVERO, his wife
of Jefferson County part 1st of the First Part and

ROTARY DRILLING SUPPLY, INC.,
405 W. Love, Mexico, Mo.

of the County of Jefferson

in the State of Missouri part 2 of the Second Part.
Witnesseth, that said part 1st of the First Part, in consideration of the sum of Ten Dollars and no/100 and other valuable considerations

to have said part 2 of the Second Part, the receipt of which is hereby acknowledged, do hereby certify, Grant, Bargain and Sell, convey and confirm unto the said part 2 of the Second part.

the following described Lots, Tracts or Parcels of land lying, being and contained in the County of Jefferson and State of Missouri, to-wit:

Part of a larger tract of land located in D.S. Survey No. 1206, Township Forty (40) North, Range Six (6) East, which larger tract was conveyed by Earle A. Magre and wife to Gilbert C. Govero and wife by deed recorded in Book 173 at Page 179 of the Jefferson County Land records, described as follows: Beginning at an iron pin in the eastern right-of-way line of State Highway No. 61-57, said point marking the Northwest corner of a tract of 7.66 acres conveyed by Gilbert C. Govero and wife to McCray Concrete Inc., by deed dated March 26, 1953, recorded in Book 233 at Page 463 of the aforesaid records, proceed thence with the Northern boundary line of said 7.66 acre tract North 64 degrees 54 minutes East 400.33 feet to an old iron pin marking the Northeast corner of said 7.66 acre tract, said point being located in the Western right-of-way line of the M.R. and B.T. Railroad; thence continuing North 84 degrees 34 minutes East 51.1 feet to a point in the center of said railroad; thence with the center-line of said railroad on the following chords: North 4 degrees East 73.23 feet; North 9 degrees 16 minutes East 100 feet; thence North 13 degrees 35 minutes East 100 feet; North 16 degrees 11 minutes East 40.13 feet; thence departing from said railroad and running South 62 degrees 34 minutes East, with the Northeastern boundary line of a 2.57 acre tract conveyed by Gilbert C. Govero and wife to James H. Lalbes and wife by deed dated February 7, 1963, recorded in Book 322 at Page 327 of the aforesaid records, for a distance of 240.5 feet to an iron pin on the Northwestern bank of Platte Creek; thence with the Northwestern bank of said Platte Creek North 33 degrees 4 minutes East 44.2 feet to an iron pin; thence departing from said creek and running North 31 degrees 37 minutes West 206.38 feet to a point in the center-line of the M.R. and B.T. Railroad; thence with the center-line of said railroad North 24 degrees 3 minutes East 59.29 feet; thence departing from said center-line and running North 62 degrees 31 minutes West 50 feet to an iron pin in the western right-of-way line of said railroad, said point marking the west Southern corner of a tract of land described as containing 0.30 acre conveyed by Charles Elton to Gustav Miller and wife by deed dated September 27, 1924, recorded in Book 105 at Page 108 of the aforesaid records; thence with the Southern boundary line of said 0.30 acre tract, North 24 degrees 28 minutes West 189.4 feet to an iron pin marking the west western corner thereof, said point being located in the Northern boundary line of the above-mentioned larger tract conveyed by Earle A. Magre; thence with said Northern boundary line North 22 degrees 12 minutes West 424.19 feet to an iron pin in the eastern right-of-way line of State Highway No. 61-57; thence with said right-of-way line South 4 degrees 20 minutes East 316.86 feet to an iron pin at point of curve; in said line of way line, opposite Station 1016 plus 05.84 on the center line of said highway; thence continuing with said right of way line, southerly with the curve thereof, the iron chord bearing and distance of which is South 3 degrees 13 minutes West 575.6 feet, to the place of beginning.

and everything from the above described tract and out parcels thereof lying within the right of way of the M.R. and B.T. Railroad, said tract containing, after said acreage portion is subtracted, Thirteen and Sixteen hundredths (13.16) acres.

Said tract being subject to the Easement of the County Road.

ROTARY DRILLING SUPPLY, INC.
1100 HIGHWAY 61-67 SOUTH
P.O. BOX 362 (314) 601-4814

EX-100-100-100
FBI-100-100-100

603

To have and to hold the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging, or in anywise appertaining unto the said part of the Second Part, and unto heirs and assigns, FOREVER, the said parties of the First Part hereby covenanting that they are lawfully seized of an indefeasible Estate in Fee in the premises herein conveyed; that they have good right to convey the same; that the said premises are free and clear of incumbrance done or suffered by them or those under whom they claim and that they will WARRANT AND DEFEND the title to the said premises unto the said part of the Second Part, and unto its heirs and assigns, FOREVER, against the lawful claims and demands of all persons whomsoever.

In Witness Whereof, the said parties of the First Part have hereunto set their hand the day and year first above written.

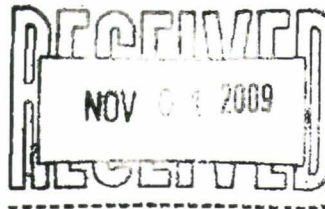
Witness and delivered in the presence of

Fisher C. Jones
Rose Mary Jones

NOTARY DRILLING SUPPLY, INC.
1560 HIGHWAY 61-67 SOUTH
P.O. BOX 502 603-427-0001
TUSTON, OK 73073 603-427-0000
FAX: 603-427-0010
TOLL: 873-263-2223

2009-774
AVC Report No.

INITIAL REGULATORY COMPLAINT REPORT
 Mail to..
 CEMVS-OD-F
 US Army Corps Of Engineers
 1222 Spruce St.
 St. Louis MO 63103
 DATA REQUIRED BY THE PRIVACY ACT OF 1974
 (5 U.S.C. 552a)



The authorities for requesting this information are Sections 9, 10, 13 and 14, River and Harbors Act of March 3, 1899; Section 404, Clean Water Act; and Section 103, Marine Protection, Research and Sanctuaries Act of 1972. This information is requested to provide a complete investigation and documentation of alleged violations of Section 9, 10, 13 and 14, River and Harbor Act of March 3, 1899; Section 404, Clean Water Act; and Section 103, Marine Protection, Research and Sanctuaries Act of 1972. Routine uses will include: (a) To Serve as a basis for a decision by the Chief of Engineers or his designated representative in enforcing the regulatory program. (b) Records may be referred to the Department of Justice for possible criminal prosecution. (c) Records may be referred to other Federal, State, and local agencies for evaluation and enforcement purposes. The disclosure of this information is voluntary on your part. However, failure of individual to provide requested information could result in inability to determine all pertinent information regarding a department of the Army permit matter.

Received by: _____ Letter _____ Date: _____

Office: _____ In Person _____
 By Phone _____ Time: _____

COMPLAINANT
 Name: City of Crystal City, Davis Kozal Bldg. Comm. Phone: 636, 931-2905
 Address: _____

130 Mississippi Ave. Crystal City, Mo Zip Code: 63019

Complainant informed of rights under the Privacy Act before giving information:
 (Please read page header)

YES _____ NO _____
 Confidentiality requested by complainant:
 YES _____ NO _____

ALLEGED VIOLATOR(S)
 Name: Darriel Coleman, Rotary Drilling Supply Phone: 636, 937-4800
 Address: 1150 S. Truman Blvd.
Crystal City, Mo. Zip Code: 63019

CONTRACTOR INFORMATION
 Name: _____ Phone: () _____
 Address: _____ Zip Code: _____

Location of alleged violation:

Mo Jeff.
 (State) (County) (Water-River, Stream, Creek) (Mile) (Bank, Arm, Cover, or Branch)
 of _____ of Sec. _____, T _____, R _____

Type of alleged violation: _____ Sec 10 _____ Sec 404
 Other (specify) Filling in Flood plain at 1150 S. Truman Blvd. Crystal City, Mo
 Date of occurrence: 2004 to present
 Point Source-Type of equipment: _____ Bulldozer _____ Backhoe _____ Dragline _____ Front End Loader
 Other (specify) _____

Vehicle License Plate No. or obvious identification markings: _____

Is there a permit for above activity on file for the alleged violator: YES ☒ NO ☐
 If yes, permit No.: _____

MVS revised Aug 97 (788)

INITIAL REGULATORY COMPLAINT REPORT
 St. Louis District, Regulatory Office

Date: _____

Description of alleged violation:

Mr. Coleman has been filling a 13 acre tract which is located in a designated Flood Plain Area (see Attachment). There has been an allegation that Fly Ash from Ameren U.E. has been used as fill. Attached is the MDNR GBLUE permit for Ameren. Mr. Coleman did not inform Ameren's Contractor he has no permits to allow fill on this site. There is no Flood Plain Development Permit issued by Crystal City, Mo. There is no MDNR Land Disturbance Permit for this site. The fill has been provided by multiple

Contractors, not limited to Ameren U.E.

MVS revised Aug. 97 (788)

AVC Report No. _____

WITNESS STATEMENT - REGULATORY COMPLAINT

St. Louis District, Regulatory Office

DATA REQUIRED BY THE PRIVACY ACT OF 1974

(5 U.S.C. 552a)

The authorities for requesting this information are Sections 9, 10, 13 and 14, River and Harbors Act of March 3, 1899; Section 404, Clean Water Act; and Section 103, Marine Protection, Research and Sanctuaries Act of 1972. This information is requested to provide a complete investigation and documentation of alleged violations of Section 9, 10, 13 and 14, River and Harbor Act of March 3, 1899; Section 404, Clean Water Act; and Section 103, Marine Protection, Research and Sanctuaries Act of 1972. Routine uses will include: (a) To Serve as a basis for a decision by the Chief of Engineers or his designated representative in enforcing the regulatory program.

(b) Records may be referred to the Department of Justice for possible criminal prosecution.

(c) Records

may be referred to other Federal, State, and local agencies for evaluation and enforcement purposes. The disclosure of this information is voluntary on your part. However, failure of individual to provide requested information could result in inability to determine all pertinent information regarding a department of the Army permit matter.

Name: _____ Phone: (____) _____ Date: _____

Address: _____ Time: _____

Zip Code: _____

STATEMENT: _____

I certify that all of the statements contained herein are true, complete, and correct to the best of my knowledge and belief, and are made in good faith and of my own free will, and that I have received a complete copy of the statement, showing my initials on corrections, if any.

Signed: _____ Date: _____

Investigator's

Signature _____ Date: _____

MVS revised Aug. 97 (790)



Print this page in a more readable format: Click Print next to the upper-right corner of the map.

maps

1150 S. TRUMAN BLVD., CAIRO, MO 64009



Coleman Property 2004



B3/MIRSM St. Louis District: MVS - CEMVS
orm, regulator [Role](#) [Preferences](#) [\[ORM Reports\]](#) [Logout](#)

ORM2
[Home](#) [Search](#) [MVS-2009-00774](#) [Help](#)

[Folder](#) [Location](#) [Aquatic Resources](#) [Jurisdiction](#) [Impacts/Mitigation](#) [Map](#) [Indicators](#) [Letters](#) [Documents](#) [Contacts](#) [Regulators](#) [Comments](#) [Feedback](#)

DA Number: MVS-2009-00774 (AV Coleman Rotary Drilling Supply filling in flood plain)
Applicant: No Applicant Found

Project Location From

Location From Address

Project Address

Street 1150 S Truman Blvd
Zip Code 63019
State/Territory Missouri
County Jefferson
City Crystal City

Other Location Information

Other Location Descriptions, If Known

Directions to the Site

Project Location Summary

Entered Location Summary | Project Area Report

County State	Jefferson, MO
Regulatory District	St. Louis
Zip Code	63028
Closest GNIS Waterway Name	Platin Creek
Congressperson	Russ Carnahan (D)
Approx. straightline dist to waterway	0.76 mi
Latitude (NAD83)	36.2062773860051
Longitude (NAD83)	-90.3921815637879
UTM Y Coordinate	4231917.4881421
UTM X Coordinate	728335.373966609
UTM Zone	15
HUC Region Name	Upper Mississippi Region
HUC Subregion Name	Upper Mississippi-Kaskaskia-Meramec
HUC Acc Name	Upper Mississippi-Meramec
HUC Cat Name	Cahokia-Joachim Illinois, Missouri
8 Digit Huc	7140101
PLSS Meridian	Fifth Principal
PLSS Township	40 N
PLSS Range	6 E
PLSS Section	7
USGS 1:24K Quad Name	MO-FESTUS
EPA Surf	EPA Surf your Watershed

Commands

[Save](#) [Cancel](#) [Save & Refine w/CM1 Map](#) [Save & Refine w/CM2 Map](#)

B3/MRSM SL Louis District: MVS - CEMVS
orm_regulator Role Preferences [ORM Reports] LogoutORM2
Home Search MVS-2009-00774 Help

Folder Location Aquatic Resources Jurisdiction Impacts/Mitigation Map Indicators Letters Documents Contacts Regulators Comments

Feedback

DA Number: MVS-2009-00774 (A/V Coleman Rotary Drilling Supply filling in flood plain)
Applicant: No Applicant Found

Project Location From

Location From Address

Project Address

Street 1150 S Truman Blvd

Zip Code 63019

State/Territory Missouri

County Jefferson

City Crystal City

Other Location Information

Other Location Descriptions, If Known

Directions to the Site

Project Location Summary

Entered Location Summary | Project Area Report

County State	Jefferson, MO
Regulatory District	St Louis
Zip Code	63028
Closest GNIS Waterway Name	Plattin Creek
Congressperson	Russ Carnahan (D)
Approx. straightline dist to waterway	0.76 mi
Latitude (NAD83)	38.2062773860051
Longitude (NAD83)	-90.3921815637879
UTM Y Coordinate	4231917 4881421
UTM X Coordinate	728335 373865609
UTM Zone	15
HUC Region Name	Upper Mississippi Region
HUC Subregion Name	Upper Mississippi-Kaskaskia-Meramec
HUC Acc Name	Upper Mississippi-Meramec
HUC Cat Name	Cahokia-Joachim Illinois, Missouri
8 Digit Huc	7140101
PLSS Meridian	Fifth Principal
PLSS Township	40 N
PLSS Range	6 E
PLSS Section	7
USGS 1-24K Quad Name	MO-FESTUS
EPA Surf	EPA Surf your Watershed

Commands

Coleman Property 2004



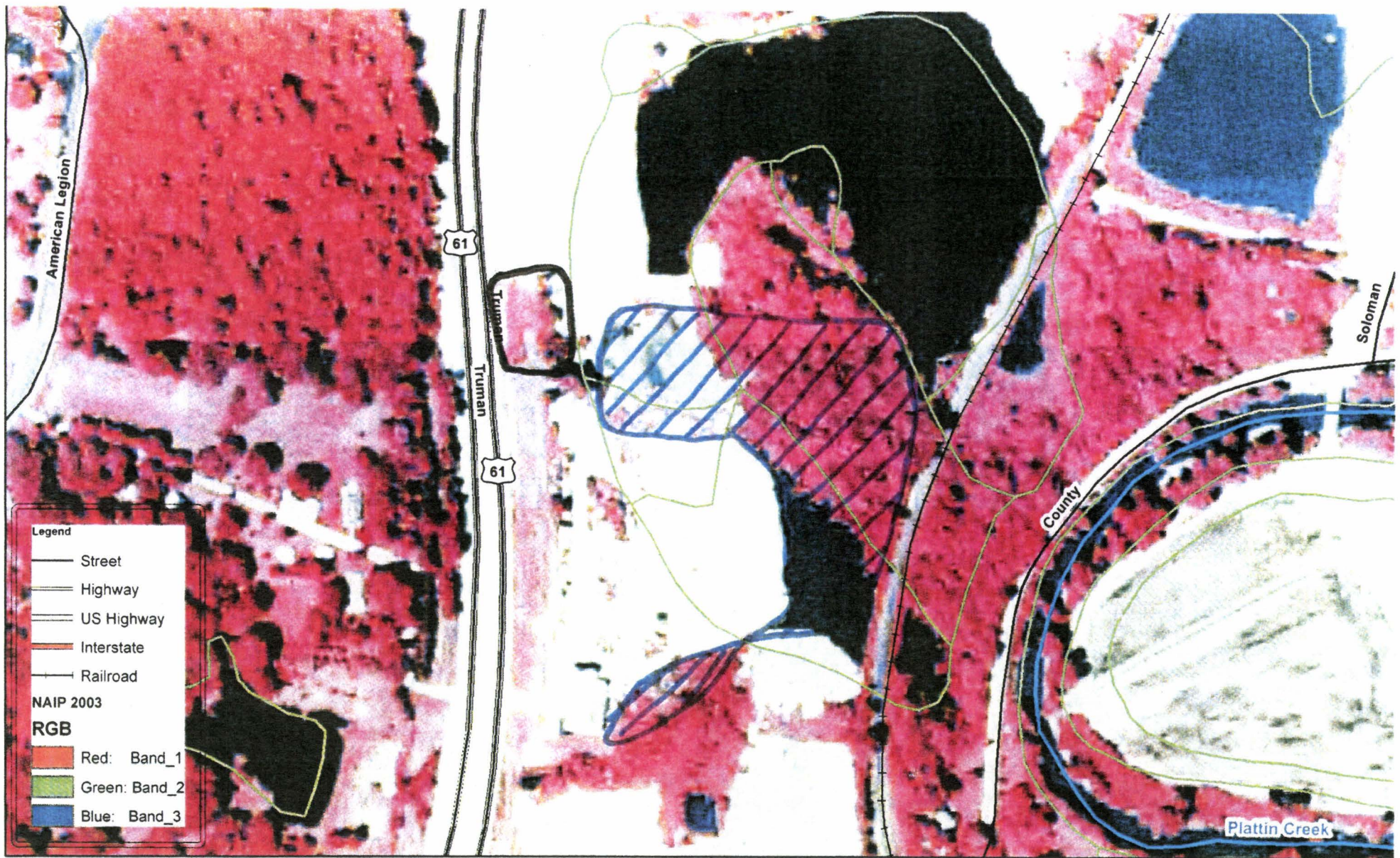


Print this page in a more readable format: Click Print next to the upper-right corner of the map.

maps

1150 S. TRUMAN BLVD., CAMDEN CITY, MO 2009





Colman Rotary Drilling Supply Filling in Flood Plain **Project Location Map - MVS-2009-00774** **Crystal City, Jefferson County, Missouri**

Attachment 1 of 6



0 175 350 700 Feet



**US Army Corps
of Engineers®**
St Louis District



Colman Rotary Drilling Supply Filling in Flood Plain

Project Location Map - MVS-2009-00774

Crystal City, Jefferson County, Missouri



Attachment 2 of 6

0 175 350 700 Feet



**US Army Corps
of Engineers**
St Louis District



Colman Rotary Drilling Supply Filling in Flood Plain **Project Location Map - MVS-2009-00774** **Crystal City, Jefferson County, Missouri**

Attachment 3 of 6



0 175 350 700 Feet



**US Army Corps
of Engineers®**
St Louis District



Colman Rotary Drilling Supply Filling in Flood Plain
Project Location Map - MVS-2009-00774
Crystal City, Jefferson County, Missouri

Attachment 4 of 6



0 175 350 700 Feet

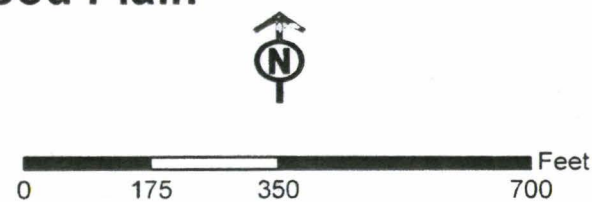


**US Army Corps
of Engineers**
St Louis District

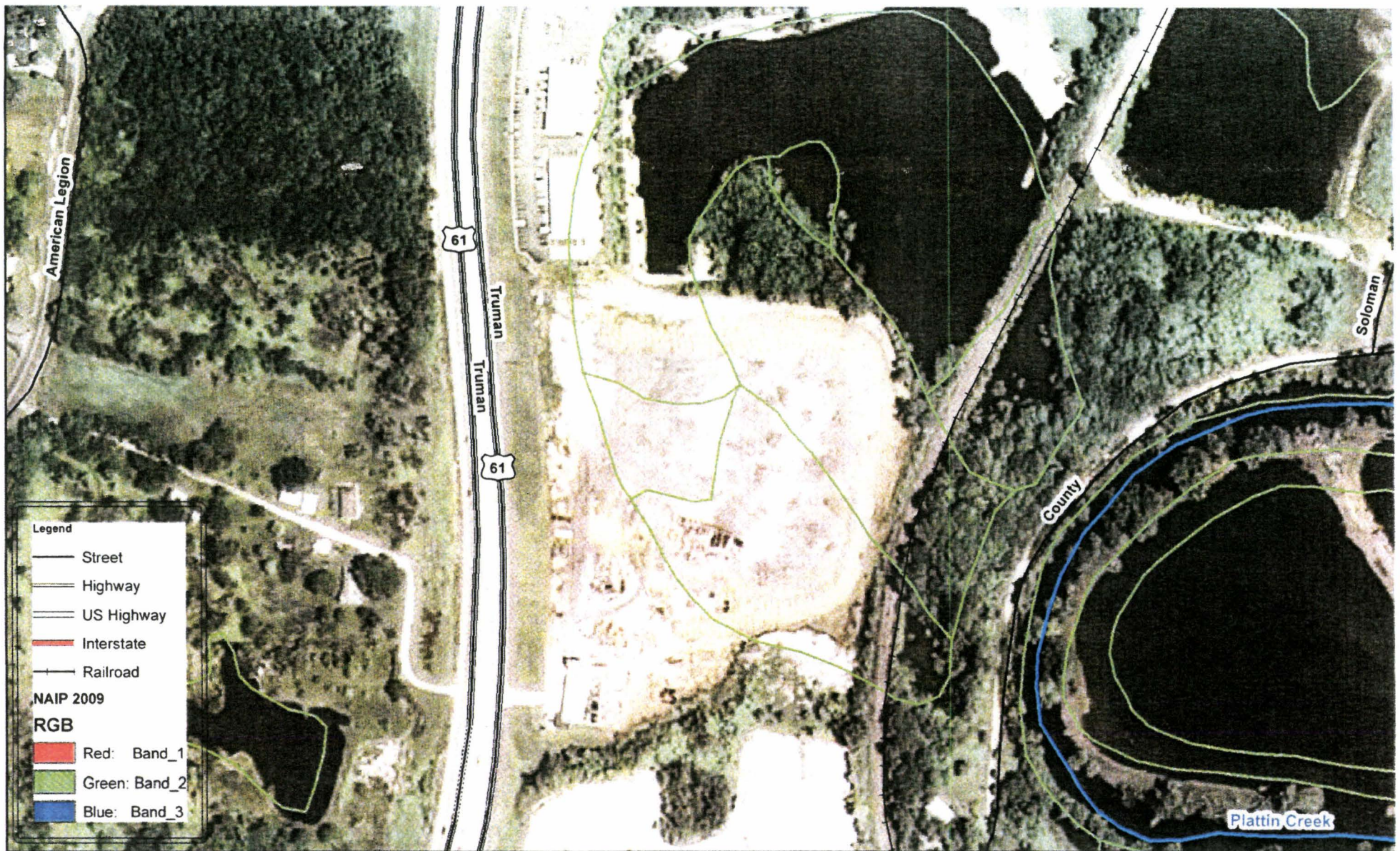


Colman Rotary Drilling Supply Filling in Flood Plain
Project Location Map - MVS-2009-00774
Crystal City, Jefferson County, Missouri

Attachment 5 of 6 * NAIP 2007



**US Army Corps
of Engineers[®]**
St Louis District



Colman Rotary Drilling Supply Filling in Flood Plain

Project Location Map - MVS-2009-00774

Crystal City, Jefferson County, Missouri

Attachment 6 of 6



0 175 350 700 Feet



**US Army Corps
of Engineers**®
St Louis District

B31MIRSM St. Louis District: MVS - CEMVS
 orm_regulator **Role** **Preferences** **[ORM Reports]** **Logout**

Folder **Location** **Aquatic Resources** **Jurisdiction** **Impacts/Mitigation** **Map** **Indicators** **Letters** **Documents** **Contacts** **Regulators** **Comments**

Home **Search** MVS-2009-00774 **ORM2** **Help**

Feedback

RHONDA S. MCGEE (B31MIRSM - MVS - ORM_REGULATOR)
 does not have permissions to edit this folder or its contents
 ROBERT S. GRAMKE (B3COFRSG - MVS - ORM_REGULATOR) is the owner

DA Number: MVS-2009-00774 (AV Coleman Rotary Drilling Supply filling in flood plain)
 Applicant: No Applicant Found

Regulatory Actions

F	A	S	Regulatory Action Type	Fed Cmpl	Start Date	End Date	Updated	Final
			Request for Action		04-NOV-09		04-NOV-09	

P.O. BOX 302
1150 S. Truman Blvd.
FESTUS, MO 63028
Night Phone: (573) 483-2408

DARRIEL F. COLEMAN
OFFICE (636) 937-4800 - 937-8616
RES. (573) 483-2408
FAX (636) 937-0310

- SINCE 1963 -

ROTARY DRILLING SUPPLY, INC.

- SCHRAMM -

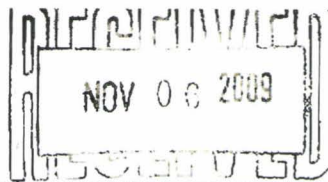
ROTADRILLS, COMPRESSORS, PARTS

SALES, PARTS, SERVICE

Business Hours:

M - F 7 AM - 5 PM (SEE REVERSE SIDE)

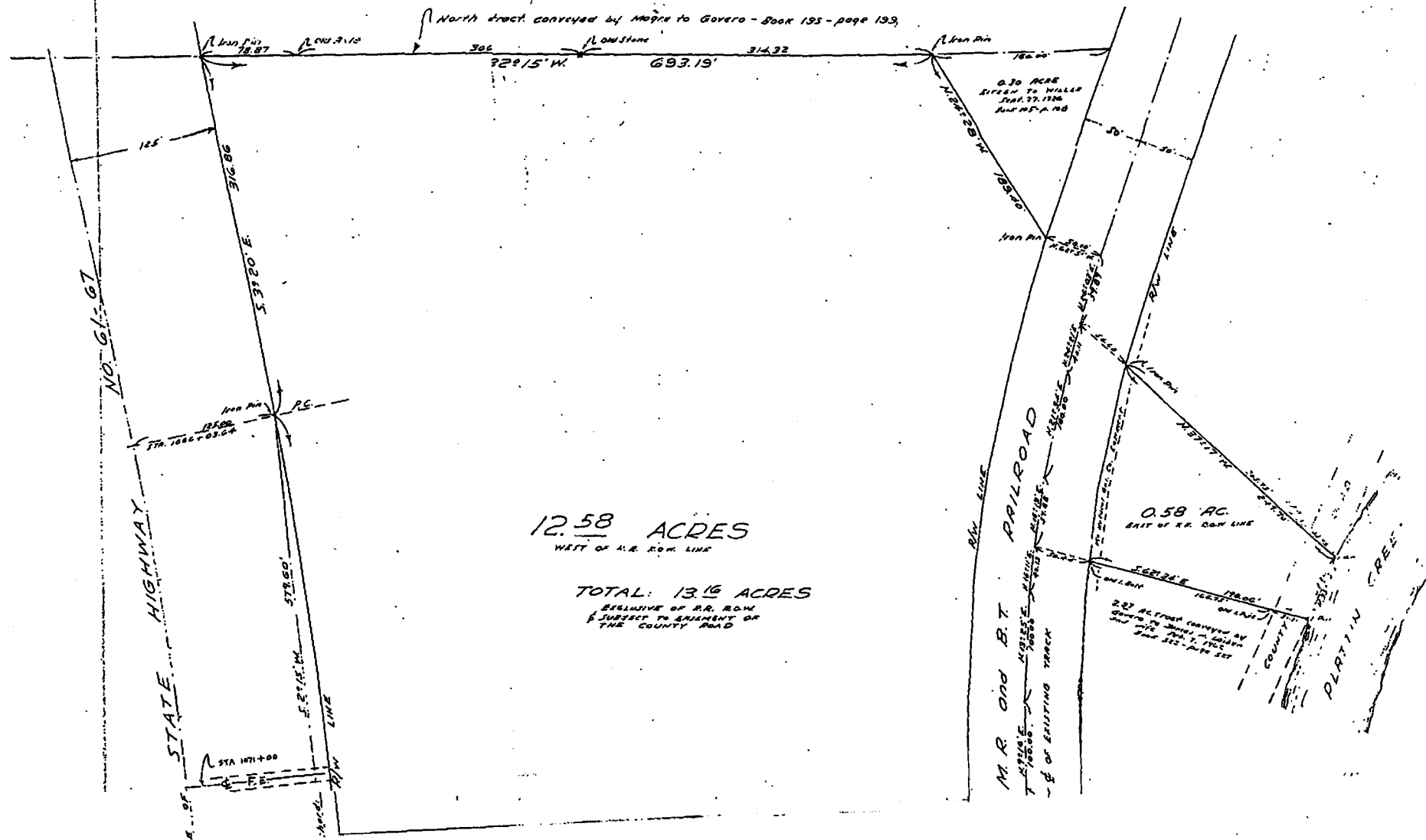




APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)		OMB APPROVAL NO. 0710-003	
<p>Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, Searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.</p>			
<p align="center">PRIVACY ACT STATEMENT</p> <p>Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States; the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.</p> <p>One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the proposed activity. An application that is not completed in full will be returned.</p>			
<p align="center">(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)</p>			
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
<p align="center">(ITEMS BELOW TO BE FILLED BY APPLICANT)</p>			
5. APPLICANT'S NAME Rotary Drilling Supply, Inc.		8. AUTHORIZED AGENT'S NAME & TITLE (an agent is not required) N/A	
6. APPLICANT'S ADDRESS Mailing: 1150 S. Truman Blvd. / P.O. Box 302 Crystal City, MO 63019 / Festus, MO 63028		9. AGENT'S ADDRESS	
7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business 636-937-4800(FX)636-937-0310		10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business	
11. <p align="center">STATEMENT OF AUTHORIZATION</p> <p>I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.</p> <p align="center">_____ APPLICANT'S SIGNATURE</p> <p align="center">_____ DATE</p>			
<p align="center">NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY</p>			
12. PROJECT NAME OR TITLE (see instructions) Rotary Drilling Supply, Inc.			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Plattin Creek watershed area		14. PROJECT STREET ADDRESS (if applicable) 1150 S. Truman Blvd.	
15. LOCATION OF PROJECT Jefferson COUNTY MO STATE			
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) 1/4 SE 1/4 Sec. 7 T 40N R 6E			
17. DIRECTIONS TO THE SITE At intersection of I-55 and US 61/67 cloverleaf, proceed north on 61/67 towards Crystal City, approx. 1/2 mile, site on right.			

11-0000

North tract conveyed by Moore to Govero - Book 195 - page 139.



18. NATURE OF ACTIVITY (Description of project, include all features)

Minor fill area and final grading materials, shot rock, clean dirt and crushed rock.

19. PROJECT PURPOSE (Describe the reason or purpose of the project, see instructions)

Fill and grade for future expansion or commercial development.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. REASON(S) FOR DISCHARGE

None

21. TYPE(S) OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS

None

22. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED (see instructions)

None

23. IS ANY PORTION OF THE WORK ALREADY COMPLETE? YES ☐ NO ☒ IF YES, DESCRIBE THE WORK

None

24. ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC. WHOSE PROPERTY ADJOINS THE WATERBODY (If more than one can be entered here, please attach a supplemental list)

1160 S. Truman Blvd.
#12 Elks Drive
960 S. Truman Blvd.

25. LIST OF OTHER CERTIFICATIONS OR APPROVALS/DENIALS RECEIVED FROM OTHER FEDERAL, STATE, OR LOCAL AGENCIES FOR WORK DESCRIBED IN THIS APPLICATION

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
MDNR	Land Disturbance	10876	08-09	09-25-09	N/A

* Would include but is not restricted to zoning, building and flood plain permits.

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Rotary Drilling Supply Inc. 10-28-09
SIGNATURE OF APPLICANT DATE

By: *Daniel H. Coleman, Pres.*

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

March 1, 2010

Construction-Operations
Readiness Division
Regulatory Office
File Number: MVS-2009-774

NOTICE OF VIOLATION

ISSUED TO: Mr. Darriel Coleman
Rotary Drilling Supply, Inc.
P.O. Box 302
1150 S. Truman Boulevard
Crystal City, Missouri 63028

LOCATION OF WORK: The work is located at the address listed above in the City of Crystal City, adjacent to Platin Creek, in Section 7, Township 40 North, Range 6 East, Jefferson County, Missouri. Platin Creek is a tributary to the Mississippi River.

CHARACTER OF WORK: Discharge of fill material into "waters of the United States," through filling and dumping activities associated with the development of a 13-Acre Commercial Lot. Although most of the site is filled, a review of the resource maps and aerial photography indicates that the area did contain a stream, forested wetland and lake/wetland habitat. All of these areas are waters of the United States. It appears that approximately 6 to 11 acres were filled as part of the ongoing dumping/filling activities.

APPARENT VIOLATION OF: Sections 301 [33 U.S.C. 1311] and 404 [33 U.S.C. 1344] of the Clean Water Act (CWA). Section 404 of the Clean Water Act assigns responsibility to the Secretary of the Army to administer a permit program to regulate the placement of fill material into "waters of the United States, including wetlands." The work you have performed, or have caused to be performed, is in "waters of the United States," and as such, is subject to Department of the Army authority. My Regulatory Branch received a complaint in regards to this violation on November 4, 2009 and a permit application from Mr. Darriel Coleman on November 6, 2009. Upon review of aerial photography, it appeared that most of the site was filled prior to November 1, 2009. We have no record of a Department of the Army permit being requested or issued for this activity prior to the November 2009 submittals. You are directed to do no further work at this site until the enforcement action is resolved. According to a site

Certified Mail - Return Receipt Requested

visit between you and Mr. Robert Gramke on January 12, 2010, you began filling the site following the "Flood of 1993". According to your verbal statement, the fill was composed of sandbags left over from the flood clean-up and that you had a permit for this fill. Since 1993, you periodically accepted local fill or purchased material to fill the site. According to your verbal statement, the most recent fill material placed on the site, which arrived in the past two years, came from Ameren UE via a local trucking company (Kline-Smith Trucking). Although not confirmed, it appears that the material delivered from Ameren was composed of Fly Ash and Calcium Sulfate. This notice is intended to clearly state that the fill activities that have occurred on your property did require a Section 404 Permit and that you are currently in violation of Section 404 of the Clean Water Act. If further work is performed after receipt of this notice, we may seek immediate legal action to halt such activity. You are advised that the unauthorized work, which you have performed, may subject you to civil and/or criminal prosecution, including restoration of the area.

In accordance with a Memorandum of Agreement between the Department of the Army, and the Environmental Protection Agency (EPA), concerning federal enforcement of Section 404 of the Clean Water Act, a copy of this notification is being sent to the EPA for review and coordination. Because of the nature of this activity, the EPA has been determined to be the lead enforcement agency at this time. You are to contact the EPA within 15 days of receipt of this letter to acknowledge receipt and to provide any additional information on this matter. Any defense or comments on your behalf to explain why you failed to obtain a Department of the Army permit clearance prior to conducting the work should be submitted to the attention of Mr. Raju Kakarlapudi, EPA, whose address is below and who can be reached at 913-551-7561. A copy of your correspondence to the EPA should be provided to the attention of Mr. Danny McClendon, Regulatory Branch Chief, U.S. Army Corps of Engineer, St. Louis District, 1222 Spruce Street, St. Louis, Missouri, 63103-2833.

Contractors and other parties who have assisted in this activity are co-liable under the law for any restoration or remediation at these sites. Therefore, you must supply the names of any contractors, subcontractors, or partners that assisted in this activity.

If you desire further assistance regarding this matter, please contact Rob Gramke, Project Manager in the Regulatory Branch, at (314) 331-8187.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

DANNY D. MCCLENDON

Danny D. McClendon
Regulatory Branch Chief
St. Louis District

Copy Furnished:

Mr. Raju Kakarlapudi
U.S. Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Ms. Carrie Schulte
Missouri Department of Natural Resources
Water Pollution Control Program
Post Office Box 176
Jefferson City, Missouri 65102-0176

Field Supervisor
U.S. Fish and Wildlife Service
Ecological Services
608 East Cherry St., Room 200
Columbia, Missouri 65201

Mr. Doyle Brown
Missouri Department of Conservation
Post Office Box 180
Jefferson City, Missouri 65102-0180



MVS-2009-744

COLEMAN PROPERTY 1996 AERIAL



MVS-2009-744

COLEMAN PROPERTY 2003 AERIAL



MVS-2009-744

COLEMAN PROPERTY 2008 AERIAL

Conversation Record

TIME: 1300

DATE: January 12, 2009

Type:

☒ Visit

☐ Conference

Telephone

Incoming
Outgoing

Name of Person Contacted:
Darriel Coleman

Organization:
Rotary Drilling Supply, Inc.

Telephone:
636-937-4800

Subject: Site Visit with Darriel Coleman
MVS-2009-774 Coleman Rotary Drilling Supply Filling in Floodplain

Summary: Attendees – Darriel Coleman, Rob Gramke, Jerry Berning

Mr. Coleman stated that he began filling the site (approximately 13-acres) after the 1993 flood with waste sandbags. Additional fill was brought into the site from local construction/demo projects or the material was purchased from the adjacent quarry. The most recent fill material (from the past two years) came from Ameren UE in the form of fly ash and Gypsum (calcium sulfate). With the exception of a small creek around the perimeter of the site, the entire wetland area has been filled. The site would have originally contained a mix of forested wetland, emergent wetland, and an unnamed tributary.

Mr. Coleman stated that he had a permit in 1993, but that he had no record of the permit or paperwork.

In conjunction with R.L. Jones Properties, TCL Construction (Jerry Capps), City of Crystal City, MODOT, and the Bank of Bloomsdale, the group intends to develop a large piece of commercial property in this area. However, it appears that Mr. Coleman and Kline-Smith Trucking have placed the fill on the property.

Mr. Coleman was adamant that he was not aware of any permit requirements from the Corps of Engineers and that he has always complied with requirements for the City of Crystal City and MDNR. His contact at Crystal City is currently Dave Kozal and his contact with MDNR is Stuart Bean.

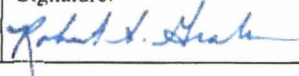
Mr. Coleman's door had a MDNR Permit posted on the door with Permit MO R109EN6 and phone number 1-800-361-4827.

Mr. Coleman also owns property in Ste. Genevieve County near the Holcim Property. He currently owns 700-acres between Highway 55 and 61. Some of the property is East of Highway 55. His home address is 3649 Highway 61, Ste. Genevieve, Missouri. Mr. Coleman stated that if mitigation is necessary, then this site may offer opportunities.

I informed Mr. Coleman that I will need to have contact name for Ameren and that I will be contacting Dave Kosall and try to contact Stuart Bean (MDNR). I also stated that it appears that 5 to 13 acres of wetland have been filled and that this is a violation of Section 404 of the Clean Water Act. A notice of violation letter will be going out soon. The site adjacent to this area was saturated, contained hydric soils, and is dominated by Pin Oak and Green Ash trees (Forested Wetland).

Name of Person Documenting Conversation:
Rob Gramke

Signature:



Date: 1/12/09

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

A. Report Completion Date for Preliminary Jurisdictional Determination (JD):

January 12, 2009

B. Name and Address of Person Requesting Preliminary JD:

Mr. Darriel Coleman
Rotary Drilling Supply, Inc.
P.O. Box 302
1150 S. Truman Boulevard
Crystal City, Missouri 63028

C. District Office, File Name, and Number:

St. Louis Dist., Coleman Rotary Drilling Supply Filling in Floodplain, MVS-2009-774

D. PROJECT LOCATION(S), BACKGROUND INFORMATION, AND WATERS:

State: Missouri
City: Crystal City
County: Jefferson
Name of nearest waterbody: Platin Creek

Identify amount of waters in the review area: Approximately 500 linear feet of intermittent tributary and approximately 8 Acres of wetland (This is approximate because the area is already filled. Additional measurements would be required for a final determination).

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

Table 1 - Waters of the U.S.

Site #	Latitude	Longitude	Stream Flow	Cowardin Class	Estimated amount of aquatic resources in review area	Estimated amount of aquatic resource impact	Class of aquatic resource
1	38.206700	-90.392328	Intermittent	Riverine	1200 linear feet	500 linear feet	Non-tidal
2	38.206700	-90.392328	Wetland	PEM/PFO	11 - Acres	8 to 11 - Acres	Non-tidal
3							
4							

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 1/12/09 (Visited the site on this same date, but nearly the entire area is already filled. The remaining portion of tributary and wetland is disturbed.

☐ Field Determination. Date(s):

F. SUPPORTING DATA:

Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Google Earth Pro (1996, 2003, 2008)

☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☐ U.S. Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite quad name: Festus.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: GIS.

☒ National wetlands inventory map(s). Cite name: Festus.

☐ State/Local wetland inventory map(s):

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)


☒ Photographs: ☒ Aerial (Name & Date): Google Earth Pro - 1996, 2002, 2003, 2004, 2005, 2007, 2008.

or ☐ Other (Name & Date):

☐ Previous determination(s). File no. and date of response letter:

☐ Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.


Signature and date of
Regulatory Project Manager
(REQUIRED)

2/12/09

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining the
signature is impracticable)

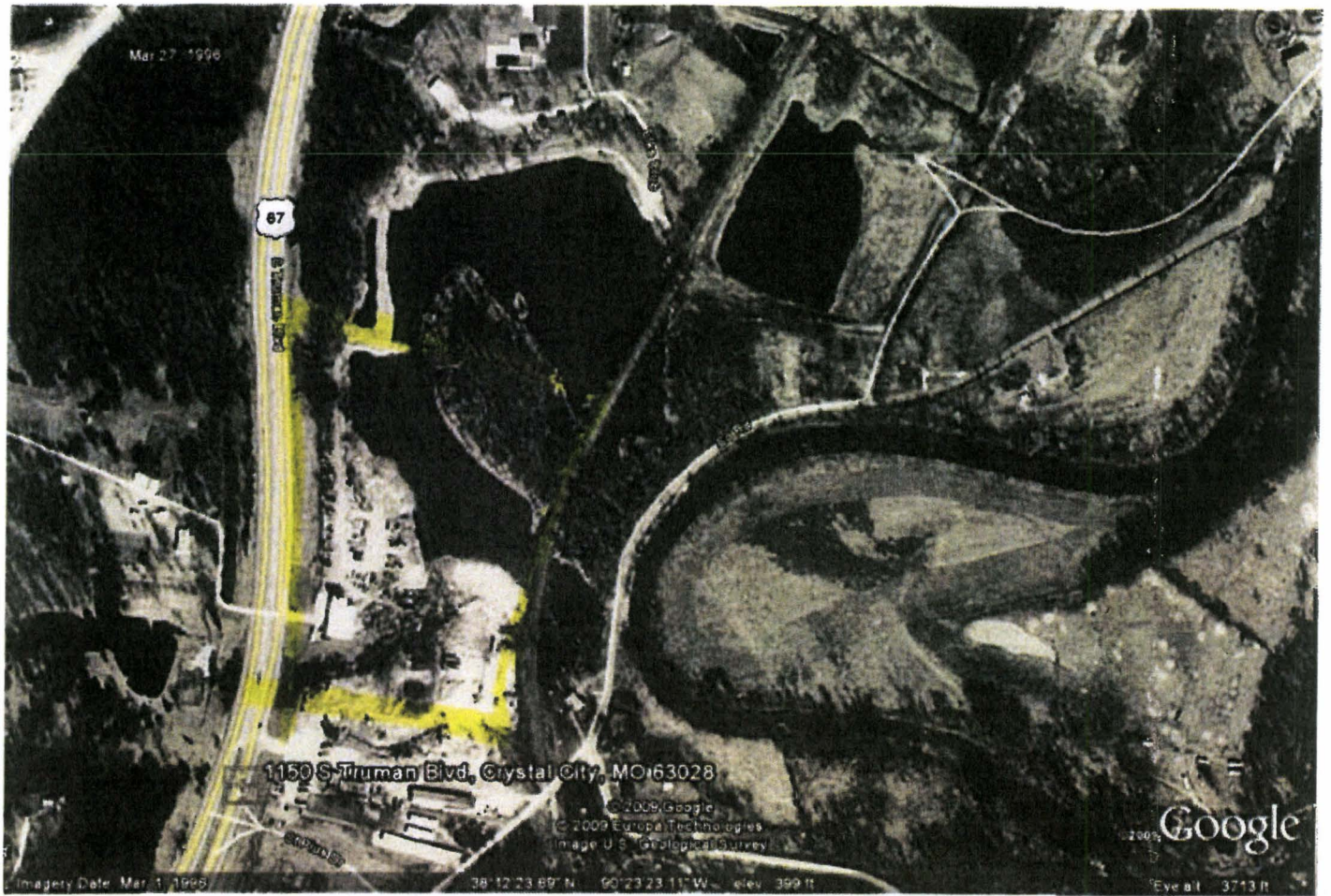
G. EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the information listed above.

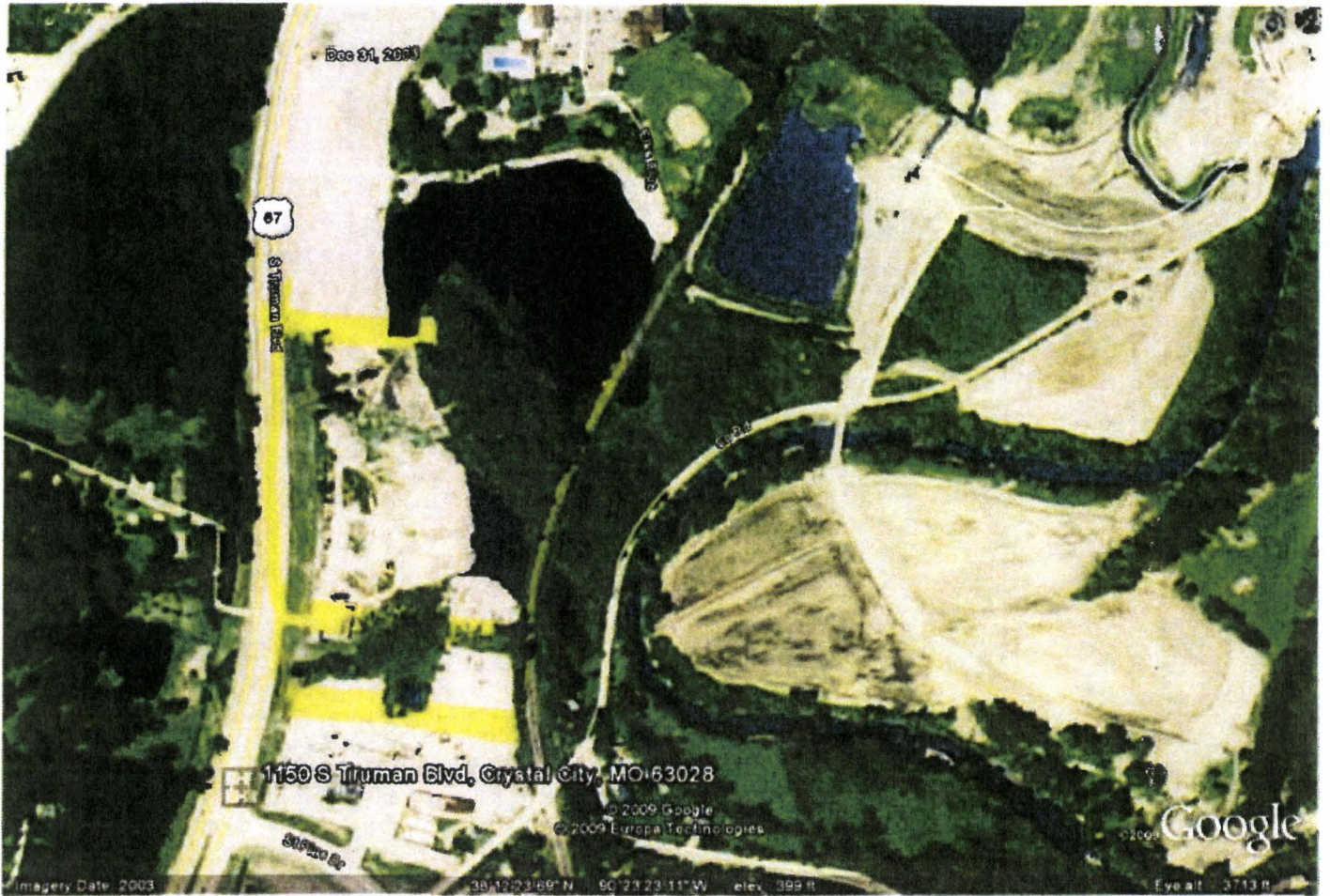
Formatted: Font: Not Bold



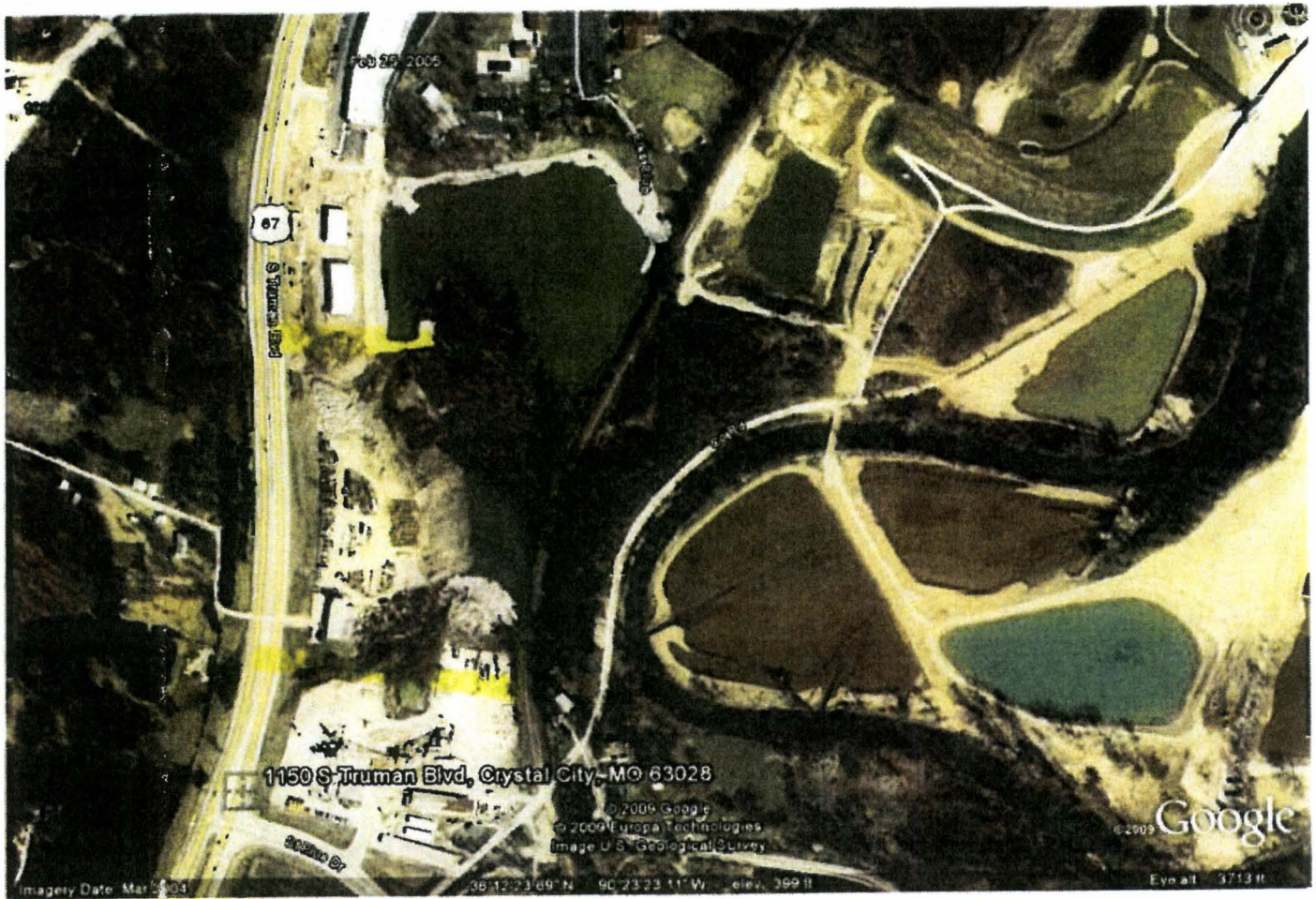
1996



2002



2003



2004



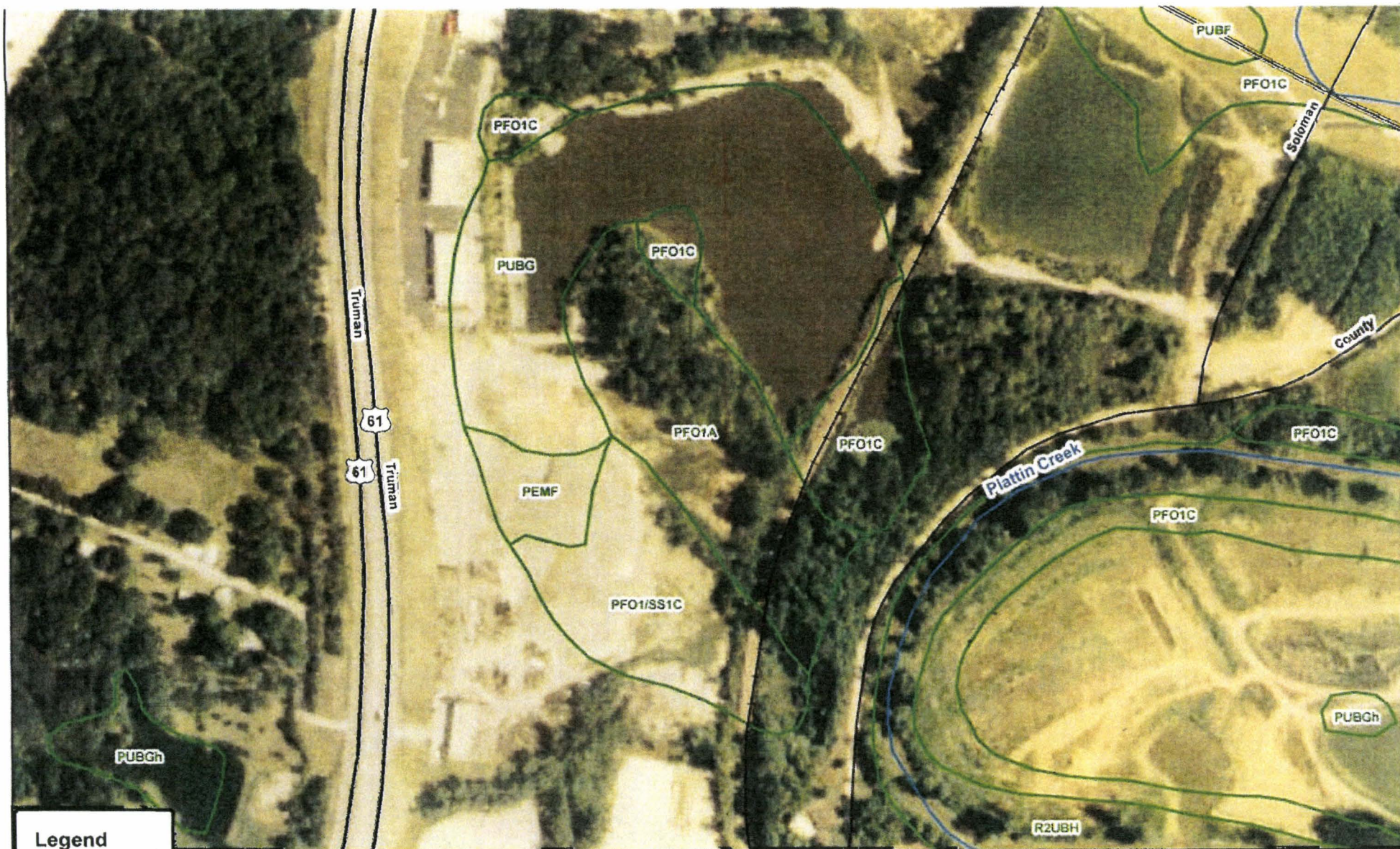
2005



2007



2008



Legend

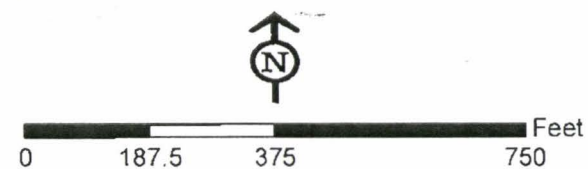
- mvs_ramsloc
- Street
- State Hwy
- US Hwy
- Interstate
- Stream
- rams_poly

Darriel Coleman Rotary Drilling Supply A/V

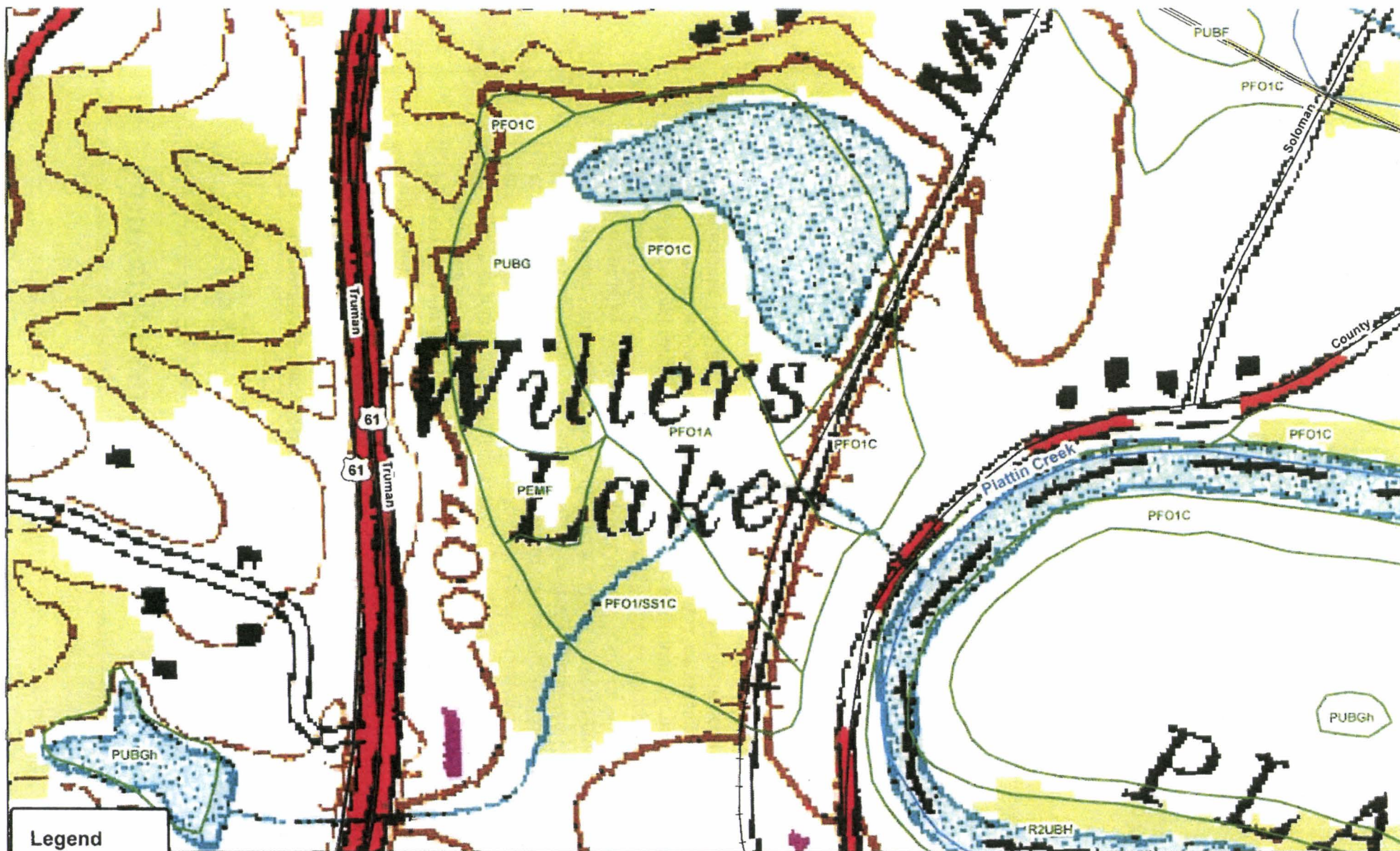
Project Location Map - MVS-2009-744

Crystal City, Jefferson, Missouri

Attachment 2 of 2



**US Army Corps
of Engineers®**
St Louis District



Legend

- mvs_ramsloc
- Street
- State Hwy
- US Hwy
- Interstate
- Stream
- rams_poly

Darriel Coleman Rotary Drilling Supply A/V

Project Location Map - MVS-2009-744

Crystal City, Jefferson, Missouri

Attachment 2 of 2



0 187.5 375 750 Feet



**US Army Corps
of Engineers®**
St Louis District

Conversation Record

TIME: 1430

Type:		
<input type="checkbox"/> Visit	<input type="checkbox"/> Conference	<input checked="" type="checkbox"/> Telephone
		Incoming X Outgoing
Name of Person Contacted: Matt Brewer Andy Hickson	Organization: City of Crystal City	Telephone: 636-931-2905
Subject: I first spoke with Mr. Brewer who is temporarily filling in for Mr. Kozal, who no longer works for the City of Crystal City. Mr. Brewer stated that before Mr. Kozal he is not aware of anyone confronting Mr. Coleman about the fill in the 100-year floodplain or about the need for permits. Mr. Brewer stated that Mr. Coleman has been actively filling this area for four to five years. Currently, Mr. Coleman has not complied with the floodplain ordinance and has no permit. I do not think that FEMA is involved at this point. Mr. Brewer then forwarded me to the City Administrator, Mr. Andy Hixson. Mr. Hixson stated that before Dave's involvement in this case that there is no file or paperwork in regards to Mr. Coleman's site or the permit requirements. He thinks that Mr. Coleman has been aware of the needs for permits (404 and floodplain permits) for approximately 10 months. I told both of these gentleman that this appeared to be a violation of Section 404 and 401 and that the case will probably be referred to the USEPA. The USEPA will be the lead for the enforcement activity.		
Name of Person Documenting Conversation: Rob Gramke	Signature: <i>Robert L. Gramke</i>	Date: 2/12/10

STATE OF MISSOURI
County of Jefferson

609

On this 23rd day of July 1964 before me personally appeared

Gilbert C. Govere and Rose Mary Govere,

his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.



In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in Crystal City, Missouri the day and year first above written.

My term expires April 12, 1965

E. E. Blake
Notary Public

STATE OF MISSOURI
County of

On this day of 19 before me personally appeared

to me known to be the person described in and who executed the foregoing instrument and acknowledged that executed the same as free act and deed. And the said

further declare to be single and unmarried.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in the day and year first above written.

My term expires

19

Notary Public

INDEXED General Warranty Deed

STANDARD FORM

FROM

GILBERT C. GOVERO AND

ROSE MARY GOVERO

TO

ROTARY DRILLING SUPPLY, INC.

Filed for record in the office of the Recorder of Deeds for the County of Jefferson, Missouri, on the 23rd day of July, 1964.

Attest my hand and seal of office this 23rd day of July, 1964.

Notary Public

Richard King Recorder

Under the Used the Terms for this instrument year, and any outstanding lien for any local assessment, will run on the GRANITE within a clause to the county is inserted.

RECORDED

2/20/65

STATE OF MISSOURI
County of

ss.

In the Recorder's Office

I, Recorder of said County, do hereby certify that the within instrument of writing was, at o'clock and minutes M., on the day of A. D. 1964, duly filed for record in my office and is recorded in the records of this office, to book at page

In Witness Whereof, I have hereunto set my hand and affixed my official seal at day of A. D. 19

Recorder

Deputy

ROTARY DRILLING SUPPLY, INC.
1501 HIGHWAY 54-07, ST. LOUIS, MO.
FAX: 636-377-1111
TELEPHONE: 636-377-1111
FAX: 636-377-1111
CITY: 636-377-1111

607

GENERAL WARRANTY DEED

This instrument, made on the 21st day of July 1964 A. H. One Thousand Nine Hundred and Sixty-Four by and between

GILBERT C. COVERO and ROSEMARY COVERO, his wife

of Jefferson County

parties of the First Part and

NOTARY DRILLING SUPPLY, INC.,
405 W. Lave, Mexico, Mo.

of the County of Jefferson

in the State of Missouri

parties of the Second Part.

Witnesseth, that said first party, in consideration of the sum of

Ten Dollars and no/100 and other valuable considerations, to have and to hold unto

to them said second party, the receipt of which is hereby acknowledged, do hereby grant, sell, bargain and sell, convey and confirm unto the said party of the Second part,

that and which, the following described lots, tracts or parcels of land lying, being and contained in the County of Jefferson

Part of a larger tract of land located in U.S. Survey No. 1206, Township Forty (40) North, Range Six (6) East, which larger tract was conveyed by Marie A. Magre and wife to Gilbert C. Covero and wife by deed recorded in Book 153 at Page 139 of the Jefferson County Land records, described as follows: Beginning at an iron pin in the eastern right-of-way line of State Highway No. 61-57, said point marking the Northeast corner of a tract of 7.66 acres conveyed by Gilbert C. Covero and wife to McClary Concrete Inc., by deed dated March 26, 1955, recorded in Book 233 at Page 465 of the aforesaid records, proceed thence with the Northern boundary line of said 7.66 acre tract North 84 degrees 34 minutes East 66.13 feet to an old iron pin marking the Northeast corner of said 7.66 acre tract, said point being located in the Western right-of-way line of the M.R. and B.T. Railroad; thence continuing North 84 degrees 34 minutes East 51.1 feet to a point in the center of said railroad; thence with the center-line of said railroad on the following chords: North 4 degrees East 73.23 feet; North 9 degrees 16 minutes East 160 feet; thence North 11 degrees 25 minutes East 100 feet; North 14 degrees 11 minutes East 40.13 feet; thence departing from said railroad and running South 62 degrees 34 minutes East, with the Northeastern boundary line of a 2.57 acre tract conveyed by Gilbert C. Covero and wife to James H. Lalbes and wife by deed dated February 7, 1962, recorded in Book 322 at Page 527 of the aforesaid records, for a distance of 240.5 feet to an iron pin on the Northwestern bank of Platte Creek; thence with the Northwestern bank of said Platte Creek North 33 degrees 4 minutes East 62.2 feet to an iron pin; thence departing from said creek and running North 17 degrees 17 minutes West 206.38 feet to a point in the center-line of the M.R. and B.T. Railroad; thence with the center-line of said railroad North 24 degrees 3 minutes East 59.29 feet; thence departing from said center-line and running North 62 degrees 31 minutes West 50 feet to an iron pin in the Western right-of-way line of said railroad, said point marking the west Southern corner of a tract of land described as containing 0.30 acre conveyed by Charles Elitch to Gustav Miller and wife by deed dated September 27, 1924, recorded in Book 103 at Page 103 of the aforesaid records; thence with the southwestern boundary line of said 0.30 acre tract, North 24 degrees 28 minutes West 189.4 feet to an iron pin marking the west Western corner thereof, said point being located in the Northern boundary line of the above-described larger tract conveyed by Marie A. Magre to Covero; thence with said Northern boundary line North 22 degrees 13 minutes West 675.19 feet to an iron pin in the Western right-of-way line of State Highway No. 61-57; thence with said right-of-way line South 28 degrees 25 minutes East 316.86 feet to an iron pin at point of curve in said right-of-way line, opposite Station 1016 plus 01.44 on the center line of said highway; thence continuing with said right-of-way line, southeasterly with the curve thereof, the long chord bearing and distance of which is South 2 degrees 13 minutes West 275.4 feet, to the place of beginning.

Toes and everything from the above described tract all one parcel thereof lying within the right-of-way of the M.R. and B.T. Railroad, said tract containing, after said acreage has been subtracted, Thirteen and Sixteenths acre (13.16) acres.

Said tract being subject to the Easement of the County Road.

NOTARY PUBLIC MISSOURI EX. REC.
1100 HIGHWAY 61-67 SOUTH
P.O. BOX 367
MEXICO, MISSOURI 65205
FAC. 512-665-0010
TELE. 512-665-2802

608

To have and to hold the premises storehold, with all and singular the rights, privileges, appurtenances and immunities thereto belonging, or in anywise appertaining unto the said part of the Second Part, and unto heirs and assigns, FOREVER, the said parties of the First Part hereby covenanting that they are lawfully seized of an indefeasible Estate in Fee in the premises herein conveyed; that they have good right to convey the same; that the said premises are free and clear of incumbrance done or suffered by them or those under whom they claim and that they WILL WARRANT AND DEFEND the title to the said premises unto the said part of the Second Part, and unto its heirs and assigns, FOREVER, against the lawful claims and demands of all persons whomsoever.

In Witness Whereof, the said parties of the First Part have hereunto set their hand the day and year first above written.

Signed and delivered in the presence of

James C. Jones
Rose Mary Jones

ROTARY DRILLING SUPPLY INC.
7150 HIGHWAY 51-07 ROUTE
P.O. BOX 302 636-937-4951
FESTUS, MO 65023 636-937-4916
FAX: 636-937-6310
NIGHT: 613-183-2403

2009-774

AVC Report No.

INITIAL REGULATORY COMPLAINT REPORT

Mail to..

CEMVS-OD-F

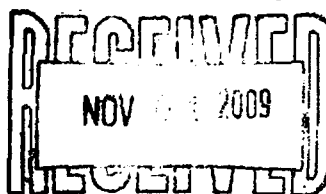
US Army Corps Of Engineers

1222 Spruce St.

St. Louis MO 63103

DATA REQUIRED BY THE PRIVACY ACT OF 1974

(5 U.S.C. 552a)



The authorities for requesting this information are Sections 9, 10, 13 and 14, River and Harbors Act of March 3, 1899; Section 404, Clean Water Act; and Section 103, Marine Protection, Research and Sanctuaries Act of 1972. This information is requested to provide a complete investigation and documentation of alleged violations of Section 9, 10, 13 and 14, River and Harbor Act of March 3, 1899; Section 404, Clean Water Act; and Section 103, Marine Protection, Research and Sanctuaries Act of 1972. Routine uses will include: (a) To Serve as a basis for a decision by the Chief of Engineers or his designated representative in enforcing the regulatory program. (b) Records may be referred to the Department of Justice for possible criminal prosecution. (c) Records may be referred to other Federal, State, and local agencies for evaluation and enforcement purposes. The disclosure of this information is voluntary on your part. However, failure of individual to provide requested information could result in inability to determine all pertinent information regarding a department of the Army permit matter.

Received by: _____ Letter _____ Date: _____

Office: _____ In Person _____
By Phone _____ Time: _____

COMPLAINANT

Name: City of Crystal City, Davis Kozal Bldg. Comm. Phone 636, 931-2905Address: 130 Mississippi Ave. Crystal City, Mo Zip Code: 63019

Complainant informed of rights under the Privacy Act before giving information:

(Please read page header)

☐ YES ☐ NO

Confidentiality requested by complainant:

☐ YES ☐ NO

ALLEGED VIOLATOR(S)

Name: Darriel Coleman, Rotary Drilling Supply Phone: 636, 937-4800Address: 1150 S. Truman Blvd. Crystal City, Mo. Zip Code: 63019

CONTRACTOR INFORMATION

Name: _____ Phone: (____) _____

Address: _____ Zip Code: _____

Location of alleged violation:

Mo Jeff.

(State) (County) (Water-River, Stream, Creek) (Mile) (Bank, Arm, Cover, or Branch)

of _____ of Sec. _____ T _____ R _____

Type of alleged violation: _____ Sec 10 _____ Sec 404

Other(specify) Filling in Flood plain at 1150 S. Truman Blvd. Crystal City, MoDate of occurrence: 2004 to presentPoint Source-Type of equipment: ☐ Bulldozer ☐ Backhoe ☐ Dragline ☐ Front End Loader

Other(specify) _____

Vehicle License Plate No. or obvious identification markings: _____

Is there a permit for above activity on file for the alleged violator: ☐ YES ☒ NO

If yes, permit No.: _____

MVS revised Aug 97 (788)

INITIAL REGULATORY COMPLAINT REPORT

St. Louis District, Regulatory Office

Date: _____

Description of alleged violation:

Mr. Coleman has been filling a 13 acre tract which is located in a designated Flood Plain Area (see Attachment). There has been an allegation that Fly Ash from Ameren U.E. has been used as fill. Attached is the MDNR GLE permit for Ameren. Mr. Coleman did not inform Ameren's Contractor he has no permits to allow fill on this site. There is no Flood Plain Development Permit issued by Crystal City, Mo. There is no MDNR Land Disturbance Permit for this site. The fill has been provided by multiple

Contractors, not limited to Ameren U.E.

MVS revised Aug. 97 (788)

AVC Report No. _____

WITNESS STATEMENT - REGULATORY COMPLAINT

St. Louis District, Regulatory Office

DATA REQUIRED BY THE PRIVACY ACT OF 1974

(5 U.S.C. 552a)

The authorities for requesting this information are Sections 9, 10, 13 and 14, River and Harbors Act of March 3, 1899; Section 404, Clean Water Act; and Section 103, Marine Protection, Research and Sanctuaries Act of 1972. This information is requested to provide a complete investigation and documentation of alleged violations of Section 9, 10, 13 and 14, River and Harbor Act of March 3, 1899; Section 404, Clean Water Act; and Section 103, Marine Protection, Research and Sanctuaries Act of 1972. Routine uses will include: (a) To Serve as a basis for a decision by the Chief of Engineers or his designated representative in enforcing the regulatory program. (b) Records may be referred to the Department of Justice for possible criminal prosecution. (c) Records

may be referred to other Federal, State, and local agencies for evaluation and enforcement purposes. The disclosure of this information is voluntary on your part. However, failure of individual to provide requested information could result in inability to determine all pertinent information regarding a department of the Army permit matter.

Name: _____ Phone: (____) _____ Date: _____

Address: _____ Time: _____

Zip Code: _____

STATEMENT: _____

I certify that all of the statements contained herein are true, complete, and correct to the best of my knowledge and belief, and are made in good faith and of my own free will, and that I have received a complete copy of the statement, showing my initials on corrections, if any.

Signed: _____ Date: _____

Investigator's

Signature _____ Date: _____

MVS revised Aug. 97 (790)

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

www.dnr.mo.gov

JUL - 1 2010

CERTIFIED MAIL # 7007-0710-0002-2053-9146
RETURN RECEIPT REQUESTED

Mr. Mitch Jordan
General Manager
Mineral Resources Technologies
920 Memorial City Way, Suite 100
Houston, TX 77024

RE: Request for Information and Records, Coleman Property Fly Ash Fill Location

Dear Mr. Jordan:

The Solid Waste Management Program (SWMP) recently met with you, representatives of Ameren, the MDNR – St. Louis Regional Office and Mr. Darriel Coleman regarding a fly ash beneficial use project located at the Rotary Drilling Supply, Inc. property at 1150 South Truman Boulevard in Crystal City, Missouri.

As you are aware, the U.S. Army Corps of Engineers (Corps) regulatory branch issued Mr. Coleman, the owner of the beneficial use project site, a Notice of Violation for the emplacement of fill materials into waters of the United States without the appropriate permit from the Corps.

Based upon our site investigation and discussions with the parties involved, the fly ash material emplaced on Mr. Coleman's property was brokered by Mineral Resources Technologies (MRT) under the authority of a statewide General Beneficial Use Exemption issued to MRT by the Department of Natural Resources (MDNR) on July 19, 2002.

Condition 3 of the Beneficial Use Approval requires that MRT provide a copy of the document "Guidance for End Users for the Beneficial Use of Coal Combustion Byproducts" (Guidance) to any individual obtaining material under the approval. The Guidance specifically requires the notification of the U.S Army Corps of Engineers if the site is bordered by a waterway such as a stream or river, or if you will potentially impact a wetland.

The SWMP requires that MRT provide records of the following items within 30 days of receipt of this letter:

1. Documentation of the date that the Guidance document was provided, by MRT, to Mr. Darriel Coleman or his authorized representative;
2. Starting and end dates for the transportation and emplacement of fill materials to the Coleman property provided under the Beneficial Use Approval;

Mr. Mitch Jordan
Mineral Resources Technologies
Page 2 of 2

3. The total volume or weight equivalent of fly ash materials provided to the Coleman property under the Beneficial Use Approval;
4. Chemical Analytical results, as required by the Beneficial Use Approval, for fly ash provided to the Coleman Property; and
5. The names, addresses and phone number of contractors, retained by MRT, to transport fly ash materials to the Coleman property under the Beneficial Use Approval.

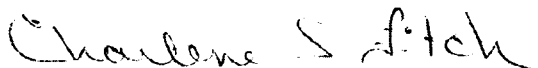
The SWMP is also in contact with the United States Environmental Protection Agency (USEPA) regarding their ongoing enforcement action, initiated pursuant to the Notice of Violation issued by the Corps.

Depending upon the outcome of the USEPA enforcement action, the SWMP may pursue additional action for violation of the terms and conditions of the Beneficial Use Approval. Potential actions may include revocation, suspension or modification of the Beneficial Use Approval. The SWMP also reserves the right to require appropriate corrective action as indicated in the Beneficial Use Approval or any other remedy provided by the Solid Waste Management Law and Regulations.

Should you have questions regarding this letter, please contact Mr. Eric Gramlich of my staff at (573) 751-5401 or P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

SOLID WASTE MANAGEMENT PROGRAM



Charlene S. Fitch, P.E.
Chief, Engineering Section

CSF:egl

Enclosure

c: Mr. W. Edward Kahl, Ameren Fuels & Services
Mr. Kevin Mohammadi, Water Protection Program
St. Louis Regional Office